

EXHIBIT D

GILADI v. STRAUCH June 22, 1995 RONI GILADI

PAGE 1 TO PAGE 310

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(1) UNITED STATES DISTRICT COURT
 (2) SOUTHERN DISTRICT OF NEW YORK
 (3) CIVIL ACTION NO. 94 CIV. 3976 (LAP)
 (4) -----x
 (5) RONI GILADI,
 (6) Plaintiff,
 (7) - against -
 (8) BERISH STRAUCH, HARRIS STERMAN,
 (9) DEBRA IRIZARRY, MONTEFIORE MEDICAL
 (10) CENTER, "JOHN DOE" and "RICHARD ROE",
 (11) last two names being fictitious, true
 (12) names being unknown,
 (13) Defendants.
 (14) -----x
 (15) June 22, 1995
 (16) 10:15 a.m.
 (17) DEPOSITION of the Plaintiff,
 (18) RONI GILADI, taken by the Defendants,
 (19) pursuant to Order, held at the offices of
 (20) Sable, Gold & Dinhofer, P.C., 450 Seventh
 (21) Avenue, New York, New York, before Deborah
 (22) DeAngelis, a Shorthand Reporter and Notary
 (23) Public of the State of New York.
 (24) ADLER REPORTING SERVICE
 (25) 15 Park Row
 New York, New York 10038
 (212) 267-3343

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(1) APPEARANCES:
 (2) (3) (4)
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 (6) Attorneys for Plaintiff
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 (9) BY: PHILIP DINHOFFER, ESQ.
 (10) (11) (12) (13) (14)
 (15) BARTLETT, McDONOUGH,
 (16) BASTONE & MONAGHAN, LLP
 (17) Attorneys for Defendants
 (18) One North Lexington Avenue
 (19) White Plains, New York 10601
 (20) BY: KEN BURFORD, ESQ.
 (21) * * *
 (22) (23) (24) (25)

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(1) IT IS HEREBY STIPULATED AND
 (2) AGREED by and between the attorneys for
 (3) the respective parties hereto that filing
 (4) and sealing be and the same are hereby
 (5) waived.
 (6) IT IS FURTHER STIPULATED AND
 (7) AGREED that all objections except as to
 (8) the form of the question, shall be
 (9) reserved to the time of the trial.
 (10) IT IS FURTHER STIPULATED AND
 (11) AGREED that the within examination may be
 (12) signed and sworn to before any notary
 (13) public with the same force and effect as
 (14) though signed and sworn to before this
 (15) Court.
 (16) * * *
 (17) (18) (19) (20) (21) (22) (23) (24) (25)

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(2) RONI GILADI, [3] having first been duly sworn by Deborah [4] DeAngelis, a Notary Public of the State [5] of New York, was examined and testified [6] as follows:
 (7) MR. DINHOFFER: Before we start, [8] we are proceeding today with the [9] deposition of the plaintiff based upon an [10] understanding that I had with defendants' [11] counsel's office, that first of all, the [12] defendant Berish Strauch will be produced [13] for deposition on July 11th, and secondly [14] I will be provided with dates for the [15] depositions of the other two defendant [16] doctors, Sterman and Irizarry.
 (17) With that, it was noted at the [18] time that we were scheduling these [19] depositions, that the court had directed [20] that all of

these depositions be completed [21] by the end of this month.

(22) However, the scheduling [23] difficulties resulted in this being [24] scheduled for July.
 (25) It was represented to me by the

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(2) EBT clerk from defendants' counsel's [3] office, and I believe her name was Laurie, [4] that Ms. Atlas, the attorney in charge of [5] the file, would be writing the court [6] requesting an extension of time so that we [7] could properly do these depositions.
 (8) I'm awaiting that copy of the [9] letter to the court that Ms. Atlas is [10] supposed to be writing.
 (11) You may now proceed.
 (12) MR. BURFORD: Send him the bill [13] for the first couple of pages of this.
 (14) So the bill for the first part [15] of that goes to Mr. Dinhofer's office.
 (16) MR. DINHOFFER: We are going to [17] bill you if you put a statement on.
 (18) It will be reciprocal. (19) EXAMINATION BY

(20) MR. BURFORD:
 (21) Q. Please state your full name for [22] the record.
 (23) A. Roni Giladi.
 (24) Q. Mr. Giladi, where do you reside?
 (25) A. 25 Widgeood Drive, West Orange,

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(2) New Jersey 07052.
 (3) Q. How long have you lived at that [4] address?
 (5) A. Since 19 - after my house was [6] being sold. I don't recall the date.
 (7) It was 1991 or 1992, I don't [8] remember.
 (9) Q. Either '91 or '92?
 (10) A. Yes.
 (11) Q. Where did you live before that?
 (12) A. 5 Walker Road, West Orange, New [13] Jersey.
 (14) Q. Is that the house that you [15] referred to as being sold?
 (16) A. Yes.
 (17) Q. How long did you live at that [18] address?
 (19) A. Since '84. I believe so.
 (20) Q. Where did you live prior to the [21] Walker Road address?
 (22) A. 77 Brook Avenue.
 (23) Q. Brook?
 (24) A. Yes.
 (25) Q. Where is that located?

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(2) A. Passaic, New Jersey.
 (3) Q. How long did you live there?
 (4) A. From '82 up to '84.
 (5) Q. When you lived at the Brook [6] Avenue address, who did you live there [7] with?
 (8) A. My wife.
 (9) Q. What is her name?
 (10) A. Beth.
 (11) Q. What is her last name?
 (12) A. Giladi.
 (13) Q. When you lived at the Walker [14] Road address, whom did you live there [15] with?
 (16) A. My wife.
 (17) Q. That is Beth Giladi?
 (18) A. Yes.
 (19) Q. And what about presently, whom [20] did you live with?
 (21) A. Friends.
 (22) Q. Who are the friends that you [23] live with now?

(24) A. The Jacobs family.
 (25) Q. Jacobs?

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(2) A. Yes.
 (3) Q. Stanley?
 (4) A. No, the Jacob family, I said, [5] Barry and Simon.
 (6) Q. That is Barry Jacob and Simon [7] Jacob?
 (8) A. Yes.
 (9) Q. Anyone else?
 (10) A. In the house?
 (11) Q. Yes.
 (12) A. The kids.
 (13) Q. Whose kids?
 (14) A. Their own kids.
 (15) I didn't understand the [16] question, I'm sorry.
 (17) Q. Other than Barry and Simon [18] Jacob, who else is living in the house [19] with you?
 (20) A. Their kids. I'm by myself [21] there.
 (22) I don't understand the question.
 (23) Q. How old is Barry Jacob?
 (24) A. How old, around forty. I don't [25] know how old.

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(2) Q. Other than Barry Jacob and [3] yourself, are there any other people [4] living in the house?
 (5) A. Eight kids.
 (6) Q. Whose children are they?
 (7) A. Barry and Simon.
 (8) Q. Do you have any children?
 (9) A. I have two.
 (10) Q. What are the names of your [11] children?
 (12) A. Aviram, Moshe, the other one is [13] Leor.
 (14) Q. What is Leor's last name?
 (15) A. Giladi.
 (16) Q. Where does Aviram reside?
 (17) A. I did not have contact with them [18] for the last two years, I don't know.
 (19) Q. When you last had any contact [20] with them, where did Aviram last live?
 (21) A. In West Orange. I do not recall [22] the address.
 (23) Q. What about Leor?
 (24) A. With his brother, same place.
 (25) Q. Are you presently married?

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(2) A. No.
 (3) Q. Are you divorced?
 (4) A. Yes.
 (5) Q. Where does your ex-wife live?
 (6) A. With her kids, in West Orange.
 (7) Q. Do you have any information at [8] all as to what their address is?
 (9) A. I said before, for the last two [10] years I couldn't get any contact with [11] them, so I really don't know.
 (12) Q. Have you received any letters [13] from your ex-wife within the last two [14] years?
 (15) A. No.
 (16) Q. What about from your children?
 (17) A. No.
 (18) Q. Have you received any phone [19] calls from your ex-wife?
 (20) A. No.
 (21) Q. Or your children?
 (22) A. No.
 (23) Q. Do you provide any support for [24] your ex-wife?
 (25) A. I follow a Court Order.

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[2] Q. What Court is the Order out of?
 [3] A. What?
 [4] Q. What Court issued the Support [5] Order?
 [6] A. Essex County.
 [7] Q. How do you pay the support?
 [8] A. As I said, I follow the Court [9] Order.
 [10] Q. How do you pay it, do you mail [11] it to your wife?
 [12] A. No.
 [13] Q. Who do you mail it to?
 [14] A. To the Court.
 [15] Q. Do they send you any statements [16] reflecting payments?
 [17] A. They send me, every time they [18] send me the status of my case.
 [19] Q. Does the information that the [20] Court sends to you contain any information [21] as to your wife's address?
 [22] A. No.
 [23] MR. DINHOFFER: We are into [24] supplemental proceedings that have no [25] bearing in this issue with his support.

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[2] Let's try and stay with the [3] issue.
 [4] I have given you latitude, but [5] this is a malpractice case.
 [6] Q. Does the form that you receive [7] from the Court contain any information as [8] to your wife's address?
 [9] A. No.
 [10] Q. What about any information with [11] respect to your children's address?
 [12] A. No, I do not have any.
 [13] Q. Do you know if your wife is [14] represented by an attorney?
 [15] A. She changed so many attorneys, [16] and every time is a new story, so I don't [17] know.
 [18] Q. Do you know the name of the last [19] attorney she was represented by?
 [20] A. It was long ago, and I don't [21] recall the name.
 [22] Q. Do you know what your wife's [23] date of birth is?
 [24] A. August 7th.
 [25] Q. August 7th?

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[2] A. I believe so. I don't really [3] recall. [4] '56. I don't recall.
 [5] Q. What is your wife's maiden name?
 [6] A. Horowitz.
 [7] Q. Do you know if she is using the [8] name Horowitz, Giladi or some other name?
 [9] A. She is using both.
 [10] Q. What does your wife do for a [11] living, your ex-wife?
 [12] MR. DINHOFFER: If you know.
 [13] A. I do not know.
 [14] MR. DINHOFFER: The wife is not a [15] party to this action. She has no claim.
 [16] Let's try and get focused in on [17] the issues of the case.
 [18] Q. Could you tell me what your [19] education includes?
 [20] A. My education?
 [21] Q. Yes.
 [22] A. High school, training as a video [23] production person.
 [24] Q. Where did you go to high school?
 [25] A. Israel.

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[2] Q. What's the name of the school in [3] Israel?
 [4] A. Bar Elan.
 [5] Q. When did you graduate from [6] there?

[7] A. I finished there in, I believe [8] it was - I finished there around six - [9] was the last year of high school. I did [10] it with the military, with the Air Force, [11] so I didn't graduate from there.
 [12] Q. When did you finish your high [13] school and your one-year of military?
 [14] A. In '70, I believe.
 [15] Q. 1970?
 [16] A. Yes.
 [17] Q. Have you ever been known by any [18] other names?
 [19] A. Viktorio.
 [20] Q. Is that a first name or last [21] name?
 [22] A. It's a middle name.
 [23] Q. So then your full name would be [24] Roni -
 [25] A. In America I go by Roni Giladi.

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[2] All of my documents is Roni [3] Giladi. Everywhere I go is Roni Giladi.
 [4] Q. I can't hear you?
 [5] A. This documentation shows Roni [6] Giladi.
 [7] Q. When were you using Viktorio?
 [8] A. When I was a kid. A long time [9] ago.
 [10] Q. Viktorio is your middle name?
 [11] A. Yes.
 [12] Q. What is your date of birth?
 [13] A. March 5, '52.
 [14] Q. What is your Social Security [15] number?
 [16] A. 112-64-3264.
 [17] Q. Are you employed?
 [18] A. At the present time I'm on [19] medical leave.
 [20] Q. What company are you on medical [21] leave from?
 [22] A. I don't understand the question.
 [23] MR. DINHOFFER: Who was your [24] employer?
 [25] THE WITNESS: My employer was

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[2] Albert Einstein College of Medicine.
 [3] Q. Is that located in the Bronx?
 [4] A. Yes.
 [5] Q. Was that Albert Einstein College [6] of Medicine or Yeshiva University, or [7] something else?
 [8] A. I worked in the building that [9] was called Albert Einstein College of [10] Medicine, and I was being hired by Albert [11] Einstein College of Medicine.
 [12] The checks showed Yeshiva [13] University.
 [14] Q. How long were you employed by [15] Albert Einstein or Yeshiva?
 [16] A. Since 1982.
 [17] Q. What was the first position that [18] you had in 1982?
 [19] A. The same position that I had [20] before.
 [21] Q. What was that?
 [22] A. Video technician.
 [23] Q. What were your duties as video [24] technician?
 [25] A. I do everything, including

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[2] production.
 [3] Q. What sort of videos?
 [4] A. Educational training, and for [5] the needs of the college.
 [6] Q. You say you did everything, what [7] do you mean?
 [8] A. Everything, I did setting up of [9] equipment, producing, directing, [10] record-

ing, editing.

[11] I was a one-man show.
 [12] Q. What was your first salary when [13] you were employed there?
 [14] A. I really don't remember.
 [15] Q. What's the first salary you do [16] remember since 1982?
 [17] A. I remember the last one.
 [18] Q. Okay, do you remember anything [19] other than your last salary?
 [20] A. I really do not remember.
 [21] Q. Pardon me?
 [22] A. I do not remember.
 [23] Q. What was your last salary?
 [24] A. I think, I believe it was around [25] \$35,000 per year.

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[2] I think it was 19.93 per hour.
 [3] Q. 19.93 per hour?
 [4] A. Yes, almost \$20 per hour.
 [5] Q. When did you go on medical [6] leave?
 [7] A. August of 1993.
 [8] Q. Do you remember what day in [9] August?
 [10] A. Around August 12th.
 [11] Q. What happened that you went on [12] medical leave?
 [13] A. I injured myself.
 [14] Q. How did you injure yourself?
 [15] A. I was unable to lift heavy [16] equipment because of my disability with my [17] hand.
 [18] When I tried to lift heavy [19] equipment, I injured my back.
 [20] Q. What piece of heavy equipment [21] were you trying to lift?
 [22] A. A video camera.
 [23] Q. A video camera?
 [24] A. I believe so, it was a few [25] boxes, a box; camera or a box of the

Page 19

[2] recorder.
 [3] It was a big box, I know that.
 [4] Q. How much did the box weigh?
 [5] A. I really don't know.
 [6] Q. Assuming there was a camera in [7] the box, do you know the make of the [8] camera?
 [9] A. Yes, Sony.
 [10] Q. Do you know, is there a model [11] number?
 [12] A. I really don't recall.
 [13] Q. How would you describe this [14] particular camera that you were lifting?
 [15] A. A big heavy - a big heavy, huge [16] camera that took a position, that can fill [17] a trunk of the car.
 [18] Q. Does this particular camera have [19] anything that distinguishes it in your [20] mind from any other camera?
 [21] A. It's a professional camera.
 [22] Q. Who owned the professional [23] camera?
 [24] A. A rental company.
 [25] Q. What is the name of the rental

Page 20

[2] company?
 [3] A. I think VRI.
 [4] Q. Who rented the camera from VRI?
 [5] A. I did.
 [6] Q. Were you using the camera for [7] your own purposes or for other purposes?
 [8] A. For my office purposes.
 [9] Q. Where is VRI located?
 [10] A. I don't know. They moved a few [11] times.

[12] They used to be in New Jersey. [13] I don't know where they are now. They [14] moved a few times.

[15] Q. Who paid for the rental?

[16] A. The college.

[17] Q. When you were a video operator [18] for the college, how many video cameras [19] did you work with?

[20] A. How many cameras I worked with [21] simultaneously?

[22] Q. How many cameras did you have at [23] your disposal?

[24] A. In my disposal I did not have [25] any operating cameras.

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[2] All of the cameras I couldn't [3] use for my work. So this is why I was [4] renting the equipment.

[5] Q. How many cameras did you rent?

[6] A. Depends on the job.

[7] Q. The camera that we have been [8] talking about during this lifting, how [9] long did you have that camera?

[10] A. I believe, I do know recall [11] exactly, but I believe for one day.

[12] Q. How much did it cost to rent?

[13] A. I do not know. I did not pay [14] the bill.

[15] Q. How would you describe the size [16] of it, physically, of the camera itself?

[17] A. As I said, the camera fit in a [18] box that can fill a trunk of a car.

[19] To give you dimensions it will [20] be not true. I'm not going to give [21] numbers.

[22] Q. What were the technical [23] attributes of this particular camera?

[24] A. As I said, it's a professional [25] camera, all of the people in the

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[2] profession are using it for good quality [3] of production.

[4] Q. Did it have one lens or more [5] than one lens?

[6] A. Usually a camera has one lens.

[7] Q. What kind of tape did it use?

[8] A. Beta cam.

[9] Q. Do you have any idea how heavy [10] it was?

[11] A. As I said before, no.

[12] Q. Where were you picking up the [13] camera from the time you said you were [14] injured?

[15] A. I was finishing my job and I was [16] going to return the camera.

[17] Q. Where was your job?

[18] A. Albert Einstein College of [19] Medicine.

[20] Q. Where in the college?

[21] A. Where my office is?

[22] Q. Describe for me how you picked [23] up the box?

[24] A. How I pick up the equipment?

[25] Q. Yes.

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[2] A. The way you pick up, you are [3] trying to lift it up and put it in the [4] trunk.

[5] Q. Okay. Where was the camera [6] located when you first picked it up?

[7] A. I rolled it up to the car.

[8] Q. Rolled it?

[9] A. Yes, up to the car.

[10] Q. And it was on wheels?

[11] A. Yes, the box is on wheels, yes, [12] together with the box, together with the [13] wheels, because of the heaviness.

[14] So usually, you wheel it so you [15] don't have to lift it.

[16] Q. Did you have to lift it at all [17] before you got to your car?

[18] A. I rolled it up to the car.

[19] Q. You rolled it to the car?

[20] A. Yes.

[21] Q. When you got it to the car [22] describe for me exactly how it is you [23] lifted up the box?

[24] A. I opened the trunk and wanted to [25] put it in.

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[2] Q. How did you do that?

[3] A. I tried many ways. I tried too [4] many ways to do it to be comfortable with [5] it, but I don't remember which way caused [6] the trouble.

[7] Q. Do you remember any of the ways [8] that you lifted the box?

[9] A. I really don't remember.

[10] Q. How many times did you try [11] lifting the box before you felt any pain?

[12] A. I did not count.

[13] Q. Did you ask anyone for any [14] assistance before you started lifting the [15] box to put the box in your car?

[16] A. Yes, I did.

[17] Q. Who did you ask?

[18] A. My director.

[19] Q. And who is your director?

[20] A. Dr. Martin Levine.

[21] Q. What is Dr. Levine's title?

[22] A. The Director of the Audio/Visual [23] Department.

[24] Q. What did Dr. Levine say?

[25] A. He said to me that it is my

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[2] responsibility, that it is my job. If I [3] cannot perform my job, I know what to do.

[4] MR. BURFORD: Read back the [5] answer.

[6] (Read back.)

[7] Q. Did you ask anyone else for [8] assistance?

[9] A. I cannot ask anybody because he [10] is the Director.

[11] Q. Is that a no?

[12] A. As I said, I asked him because [13] he is the Director.

[14] If I will ask somebody else, I'm [15] going behind his back. I do not do [16] something like that.

[17] Q. So you didn't ask anyone else [18] for any help?

[19] A. Everybody has his own job.

[20] And the Director, if he says no, [21] I tried to do my job the way he told me, [22] because he is my boss.

[23] Q. When during this lifting process [24] did you realize that you had hurt [25] yourself?

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[2] A. I really don't recall. I know [3] immediately I had pain.

[4] Q. Where was the pain?

[5] A. In my lower back. Put it this [6] way, I had pain in my left elbow and my [7] wrist and in my lower back.

[8] Q. Which wrist?

[9] A. Both of them.

[10] Q. How would you describe the pain [11] in your lower back?

[12] A. It went to my legs.

[13] Q. Pardon me?

[14] A. Pain that went to my legs.

[15] Q. Other than the pain that was [16] going to your legs, how would you describe [17] the

pain itself?

[18] A. I will put it this way, I was [19] living for almost two years with pain so [20] that I got adjusted to pain, so I really [21] cannot describe it.

[22] Q. Do you have any recollection [23] whatsoever of what the pain felt like when [24] you were lifting?

[25] A. No, I do not.

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[2] MR. DINHOFFER: I'm noting for [3] the record that we are not making any [4] claim in this case -

[5] MR. BURFORD: No claim for the [6] back whatsoever?

[7] MR. DINHOFFER: No claim for the [8] back in this case, no.

[9] MR. BURFORD: Okay.

[10] Q. Did you have any pain in your [11] left elbow?

[12] A. Yes, I did.

[13] MR. DINHOFFER: Save us some [14] time.

[15] MR. BURFORD: Right.

[16] Q. What kind of pain did you have [17] in your left elbow?

[18] A. Shooting pains to my fourth and [19] fifth finger. I had discomfort.

[20] This is what I recall. I had [21] more than that, but this is what I recall.

[22] Q. What about your left wrist?

[23] A. My left wrist, I had pain in [24] this area that goes to the finger 1, 2 and [25] 3.

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[2] Q. When you say finger 1, you mean [3] your thumb?

[4] A. The thumb is number 1, and this [5] is 2, and this is 3, and this is 4 and [6] this is 5.

[7] Q. The thumb is number 1 and the [8] pinky is number 5?

[9] A. That's correct.

[10] Q. What kind of pain did you have [11] in your left wrist, can you describe it?

[12] A. Not really. Discomfort.

[13] Q. What about your right wrist?

[14] A. I had again discomfort.

[15] Q. Did the pain in your right wrist [16] go away after a period of time?

[17] A. Yes.

[18] Q. How long did you have any pain [19] in your right wrist?

[20] A. As I rested and did not do [21] anything with my hand, it felt relief.

[22] Q. And did the pain go away at that [23] point, after you rested?

[24] A. As I said, after a while it went [25] away.

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[2] Q. What do you mean by a while?

[3] A. A few days. A few hours.

[4] I don't recall, I really don't [5] recall.

[6] Q. What about your left wrist?

[7] A. My left wrist took longer and [8] was for a while.

[9] Q. What did you say?

[10] A. It was for a while.

[11] Q. How long a time are we talking [12] about?

[13] A. I don't recall.

[14] Q. Do you recall if it's a matter [15] of hours, days or weeks, or something [16] else?

[17] A. I do not recall.

[18] Q. What about the pain in your left [19] elbow?

[20] A. It was for a few months.

[21] Put it this way, to be more [22] specific, my elbow pain started on [23] December 12,

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1991, as I wake up from [24] surgery, and since then I have pain after [25] this moment that I'm talking about now.

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[2] And the pain is - well, it goes [3] not on the same level constantly.

[4] Sometimes it's worse, and [5] sometimes it's better.

[6] But up to now that I'm sitting [7] here, I have it.

[8] Q. As a result of this injury -

[9] A. I was not injured in my elbow at [10] the time.

[11] I had pain in my elbow to be [12] specific.

[13] Q. As a result of whatever injury [14] you sustained during lifting the camera, [15] did you make any Worker's Comp claim?

[16] A. Yes, I did.

[17] Q. And what was the result of your [18] Worker's Comp claim?

[19] A. Still pending.

[20] Q. Are you receiving any payments [21] from Worker's Comp?

[22] A. Yes, I do.

[23] Q. How much do you receive from [24] Worker's Comp?

[25] A. \$400 per week.

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[2] Q. Has Worker's Comp made any [3] determination has to how long you will [4] continue to receive \$400 a week?

[5] A. As long - I don't know.

[6] Q. When did you start receiving [7] \$400 a week actually?

[8] I will rephrase it.

[9] When did they start crediting [10] you with \$400 a week?

[11] A. I believe, I do not recall the [12] timing, but I believe to the best of my [13] recollection, it was in the beginning of [14] 1994.

[15] Q. Have you been examined by any [16] doctors as a result of the Worker's Comp [17] claim?

[18] A. Yes.

[19] Q. Which doctors have you seen?

[20] A. The Worker's Comp doctors.

[21] Q. Do you recall their names?

[22] A. No, I do not.

[23] Q. Anyone else?

[24] A. And I saw my own doctors.

[25] Q. Which doctors are they?

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[2] A. One is a neurologist, Dr. Cohen.

[3] Q. Do you know Dr. Cohen's first [4] name?

[5] A. Joel.

[6] Q. Where is Dr. Cohen located?

[7] A. In the Bronx.

[8] Q. Do you know his address in the [9] Bronx?

[10] A. He is part of Einstein, [11] affiliated with Einstein.

[12] Q. Any other doctors that you have [13] seen for the injury from lifting?

[14] A. For my back, I see only [15] Dr. Cohen.

[16] MR. DINHOFFER: Let's take a [17] break for a minute.

[18] (Short recess taken.)

[19] MR. BURFORD: He was giving us a [20] list of the doctors he has seen for [21] what-ever happened to him while he was [22] lifting the camera.

[23] A. I saw the Health Service at [24] Einstein was the first place I went to.

[25] After this, I saw Dr. Popsu.

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[2] After I saw Dr. Popsu, I was [3] under physical therapy for my hand and my [4] back.

[5] I saw Dr. Goldstein and I saw [6] Dr. Cohen that you have.

[7] This is my best recollection [8] about all of the doctors that I saw.

[9] Q. Have you ever been in the [10] military?

[11] A. Yes.

[12] Q. Which military were you in?

[13] A. Israeli.

[14] Q. And when were you in the Israeli [15] military?

[16] A. 1970 to 1973.

[17] Q. What was your rank in the [18] military?

[19] A. I'm an officer.

[20] Q. Other than being an officer, is [21] there a particular rank?

[22] A. It was being changed all the [23] time, so I don't recall my last one.

[24] Q. Do you recall any of the ranks [25] that you held in the Israeli military?

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[2] A. I was a second lieutenant, I was [3] having - one time I know that I had a [4] position as a captain.

[5] So really I cannot tell you [6] exactly what my rank was in the military [7] records today.

[8] Q. Are you still in the Israeli [9] military today?

[10] A. I did not serve in the army [11] since I left the country.

[12] Q. When did you leave Israel?

[13] A. 1981.

[14] Q. Are you under any obligation to [15] serve in the Israeli military?

[16] A. If my health was in the proper [17] condition the way when I left the army, [18] when I left the country, I should report [19] when I'm in the country to the army.

[20] Q. Have you returned to Israel at [21] all since 1981?

[22] A. Yes.

[23] Q. How many times have you been [24] back?

[25] A. A lot.

Page 35

[2] Q. Generally speaking, what [3] purposes have brought you back to Israel?

[4] A. All of my family lives there.

[5] Q. Other than visiting your family, [6] have you been back to Israel for any other [7] purposes?

[8] A. Yes.

[9] Q. What else?

[10] A. Looking for a doctor to tell me [11] why I have pain in my elbow which I did [12] not have before surgery, and the cause for [13] it.

[14] Q. Any other reasons you have been [15] back to Israel?

[16] A. I said family, and this reason [17] medical.

[18] Q. Anything other than what you [19] have told me so far?

[20] A. No.

[21] Q. What countries do you hold [22] citizenship in?

[23] A. Both countries. America and [24] Israel.

[25] Q. When did you become an American

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[2] citizen?

[3] A. 1980 something. I don't [4] recall.

[5] Q. And I take it you were born in [6] Israel?

[7] A. I was born in Israel.

[8] Q. When you were in the military in [9] Israel, what were your duties?

[10] A. My duties?

[11] Q. Yes.

[12] A. I was working in the medical [13] field.

[14] Q. What sort of work did you do in [15] the medical field?

[16] A. Working with doctors.

[17] Q. What sort of work did you do [18] with doctors?

[19] A. Everything that people do here [20] with doctors. It's not specific.

[21] Q. If you were going to equate the [22] work that you did in Israel with the sort [23] of work that is done here, were you a [24] nurse, a physician's assistant, an LPN?

[25] A. Everything that you said, none

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[2] of that.

[3] Q. If you didn't do any of that, [4] what sort of work did you do?

[5] A. From each one I did a little, [6] put it this way.

[7] It's a combination.

[8] The doctor told me to do [9] something, I did it, and he told me to do [10] other things, I did.

[11] I really cannot be specific [12] exactly what I did.

[13] Q. Would you describe it as [14] paperwork?

[15] A. No, not only paperwork, also [16] taking care of patients, like give [17] injections and taking blood and stuff like [18] that, too.

[19] Q. What sort of training did you [20] have for giving injections?

[21] A. I had my medical training from [22] the army.

[23] Q. And what did your medical [24] training from the army consist of?

[25] A. Everything that I said.

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[2] Q. Injections and drawing blood?

[3] A. Everything that the army - any [4] need that the army needs to take care of, [5] people who were having medical problems.

[6] Q. Other than giving injections and [7] drawing blood, do you have a recollection [8] of doing anything else whatsoever with [9] respect to patient care?

[10] A. To be an administrator of the [11] medical facility.

[12] Q. What medical facility were you [13] the administrator of?

[14] A. I think that I cannot talk about [15] the army specifically due to my [16] instructions from the army.

[17] I do not - I'm not allowed to [18] discuss specifically what I did, what I [19] didn't do.

[20] I gave you more information than [21] I should give you up to this moment.

[22] I ask not to discuss the army.

[23] Q. Well, I am entitled to know.

[24] A. The army is a little bit [25] different and

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[2] Q. It's the Israeli Army, and this [3] is United States District Court.

[4] A. What I did in the army and what [5] my profession in the army doesn't have any [6] bearing on what happened to me in 1991.

[7] Q. Well, that is your position.

[8] On the other hand, I'm entitled [9] to know what medical experience and [10] training you have.

[11] A. I said to you, I was [12] administrator of the facility. I cannot [13] give you location. I cannot give a [14] place.
 [15] I'm not allowed.
 [16] Q. What is the name of the [17] facility?
 [18] A. It's not a name. It's numbers.
 [19] The army goes by numbers, and [20] I'm not allowed to give you any [21] information about the facility.
 [22] Q. Why is that?
 [23] A. Security of the country.
 [24] MR. DINHOFFER: His orders stay [25] with him for life.

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[2] MR. BURFORD: That is not my [3] problem, this is the United States.
 [4] A. I gave a consent order form to [5] the army -
 [6] MR. DINHOFFER: No statements, [7] let him ask a question.
 [8] THE WITNESS: No, I will give -
 [9] MR. DINHOFFER: Let him ask the [10] question.
 [11] Q. What is the consent form that [12] you are referring to?
 [13] A. I signed it.
 [14] MR. DINHOFFER: He is talking [15] about the authorization to get the records [16] from the military that was supplied [17] pursuant to the directives of the Court [18] that you have been in possession of for [19] several months.
 [20] Maybe not you particularly, but [21] your office.
 [22] Q. If I was going to get the [23] records of the medical facility, what [24] facility would I ask about?
 [25] A. You have all of the information.

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[2] Q. This authorization provided me [3] with the information that I need to get [4] the records of this medical facility?
 [5] A. No.
 [6] MR. DINHOFFER: You were given [7] authorizations which speak for [8] themselves.
 [9] Q. Who provided the training that [10] you had in the army?
 [11] A. The army.
 [12] Q. Who?
 [13] A. I don't understand the question.
 [14] Q. Did the person that gave you the [15] training have a name?
 [16] A. It was a series of people. It's [17] not one person, and I do not recall the [18] names.
 [19] Q. Where was this training located, [20] was it in a classroom, in the field or [21] someplace else?
 [22] A. In the army everything is a [23] combination of room, field and every [24] place.
 [25] Q. Where was your training?

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[2] I don't see anything funny about [3] my questions, Mr. Giladi.
 [4] MR. DINHOFFER: Were you ever in [5] the military?
 [6] MR. BURFORD: No.
 [7] A. I'm sorry, I said before you [8] asked me specifically -
 [9] MR. DINHOFFER: He doesn't [10] understand, and you have to explain to [11] him.
 [12] He is naive, assume he knows [13] nothing.
 [14] THE WITNESS: I'm trying to [15] explain.
 [16] A. When you are in the army, one [17] day you are in the north and one day you [18] are in the south, and one day you are in [19] the

desert.
 [20] We don't know anything.
 [21] We just are shifted from one [22] place to another and do what the army told [23] us to do.
 [24] I cannot give you specifics. [25] You asked me for specifics, I cannot.

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[2] I do not know the specifics.
 [3] Q. Did the training courses that [4] you took have a name?
 [5] A. I have officer course, and I [6] had - I do not recall the courses.
 [7] I had many courses to be able to [8] get to my position.
 [9] Q. Did the medical courses that you [10] took have a name?
 [11] A. I know it in Hebrew but not in [12] English.
 [13] Q. Spell the Hebrew name for us?
 [14] A. I don't know how to spell the [15] name.
 [16] Q. What was the name of the medical [17] course that you took?
 [18] A. I took a course called Hovsh.
 [19] Q. Is that the name of the course [20] or the initials for a course?
 [21] A. That's the name of the course.
 [22] MR. DINHOFFER: I think what he [23] is looking at, did you take a course in [24] drawing blood, did you take a course in [25] orthopedics, did you take a course in

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[2] hematology?
 [3] Things like that, or medically [4] defined type of courses.
 [5] Or, were these things that you [6] did for a specific job on a need-to-know [7] basis?
 [8] A. It was basic.
 [9] MR. DINHOFFER: You have to [10] understand military training.
 [11] It's not that they are going to [12] train you as an orthopedist.
 [13] MR. BURFORD: My questions have [14] been about training.
 [15] MR. DINHOFFER: It's just that [16] you don't understand military training, [17] you are missing something.
 [18] Q. What kind of medical training [19] did you have?
 [20] A. As I said, I took the basic [21] course.
 [22] Q. Which included what?
 [23] A. As I said before, it's taking [24] blood, giving injections, giving I.V., [25] putting bandage on wound.

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[2] First Aid is what it's called.
 [3] Q. Anything other than First Aid?
 [4] A. No. Not that I remember.
 [5] Q. What year did you take these [6] courses?
 [7] A. I don't recall.
 [8] Q. Other than the officer training [9] course and the medical course, did you [10] have any other training in the army?
 [11] A. Can you repeat the question, I [12] didn't get it?
 [13] Q. Other than the officer course [14] that you described and the medical course [15] that you described, did you take any other [16] courses while in the army?
 [17] A. Not that I recall.
 [18] Q. Prior to coming to the United [19] States, were you hospitalized at all in [20] Israel?
 [21] A. To my recollection, no.

[22] Q. Since coming to the United [23] States, have you been hospitalized?
 [24] A. I was in the hospital once, but [25] I don't recall what hospital I was in.

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[2] I do not recall. I know that I [3] was in the hospital once for testing, but [4] I don't remember what hospital.
 [5] Q. What hospital were you in for [6] testing?
 [7] A. It was many years back and I [8] don't remember the name.
 [9] Q. Where was it located?
 [10] A. In New Jersey.
 [11] Q. What sort of testing did you [12] have done at that hospital?
 [13] A. I had some x-rays.
 [14] Q. Do you remember what part of [15] your body was x-rayed?
 [16] A. Upper, I think neck and - my [17] neck, I believe.
 [18] Q. Why did you go to the hospital [19] for x-rays of your neck?
 [20] A. I had a car accident.
 [21] Q. Do you remember when the car [22] accident was?
 [23] A. Sometime in 1981, I think.
 [24] Q. Where was the car accident, in [25] New Jersey?

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[2] A. In New Jersey.
 [3] Q. Were you injured as a result of [4] the car accident?
 [5] A. I had whiplash.
 [6] Q. Were you under the care of any [7] doctors as a result of that car accident?
 [8] A. I saw one or two doctors, but I [9] don't recall their names or where they are [10] located.
 [11] Most of my treatment since I [12] came to the United States was at [13] Einstein.
 [14] So anything you would like to [15] know about my medical care is at [16] Einstein.
 [17] That is all I can say.
 [18] Q. As a result of the car accident [19] in New Jersey, was there any litigation, [20] any lawsuits?
 [21] A. I did not file anything.
 [22] Q. Did you receive any payments [23] from any source as a result of the car [24] accident?
 [25] A. Not that I know of.

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[2] Q. Did any insurance company pick [3] up your medical bills?
 [4] A. It was not my car. It was not [5] my car. I do not know.
 [6] Q. Were you a passenger in [7] someone's car?
 [8] A. I was driving my wife's car.
 [9] Q. Was anyone else injured in the [10] accident?
 [11] A. I was driving by myself.
 [12] Q. Did you make any claims to any [13] insurance companies at all?
 [14] A. Like I said before, I did not [15] make anything.
 [16] I was - no.
 [17] Q. Did anyone make any claim on [18] your behalf?
 [19] A. I don't know.
 [20] Q. Did you receive any checks from [21] anyone as a result of the car accident?
 [22] A. I do not recall.
 [23] Q. Who paid for the hospital bill [24] at the hospital in New Jersey?

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XMAX(6)

[25] A. My insurance. All of my medical

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[2] care through 1199.

[3] Q. Who was your car insurance [4] company at the time?

[5] A. As I said, I do not have any -

[6] MR. DINHOFFER: I think he said [7] it wasn't his car.

[8] Q. Who was your wife's car [9] insurance company at the time?

[10] A. I do not know. I do not [11] recall.

[12] I do not know.

[13] Q. Other than 1199, have you [14] submitted any medical claims to any other [15] insurance company since you have been in [16] the United States?

[17] A. Medical claims, no.

[18] Q. Did you miss any work as a [19] result of the car accident?

[20] A. I was not working at the time. [21] I was new in the country.

[22] Q. Tell us again what year the car [23] accident was?

[24] A. 1981.

[25] Q. Were you employed at all when

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[2] were you in Israel?

[3] A. If I was employed?

[4] Q. In Israel?

[5] A. I had my own business, plus I [6] was working.

[7] I was employed and [8] self-employed.

[9] I was working - yes, I was [10] working.

[11] Q. Let's start with the company you [12] were working for, what was the name of the [13] company?

[14] A. What it's called?

[15] Q. Yes.

[16] A. I'm trying to think of it. Art [17] Photography.

[18] Q. And where were they located?

[19] A. In Natanya.

[20] Q. Do you remember the street [21] address?

[22] A. The street address?

[23] Q. Yes.

[24] A. The street address is - I had a [25] few places, so I can't give you a full

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[2] address.

[3] Q. What was the last place you [4] worked for Art Photography?

[5] A. I don't understand the question.

[6] Q. What years did you work for Art [7] Photography?

[8] A. I worked since I was discharged [9] from the army until I came to the United [10] States.

[11] Q. What years were those?

[12] A. 1973 to 1981.

[13] Q. Do you remember the address of [14] Art Photography in 1981?

[15] A. Not really.

[16] I have to look at my card. I [17] don't recall.

[18] Q. What kind of cards do you have [19] with respect to Art Photography?

[20] A. At the present time, nothing.

[21] As I said, I need to look at [22] something, but I don't have anything.

[23] Q. I don't mean what you have with [24] you today, what do you have under your [25] control with respect to Art Photography?

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[2] A. Maybe rubber stamps, if my [3] mother never threw it away from home.

[4] Q. What did you do for Art [5] Photography?

[6] A. All photography needs.

[7] Q. What do you mean by all [8] photography needs?

[9] A. Taking pictures, taking movies, [10] everything that is related to [11] photography.

[12] Q. And how much -

[13] A. Cinema and video, and all of [14] that stuff.

[15] Q. How much did you earn at Art [16] Photography?

[17] A. I really don't recall.

[18] Q. Other than Art Photography, were [19] you employed by any other companies in [20] Israel?

[21] A. Yes, I was, yes.

[22] Q. What other companies were you [23] employed by?

[24] A. Television studios.

[25] Q. Which television studios?

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[2] A. In Hertzleah.

[3] Q. What did you do for that [4] company?

[5] A. I was working on the tennis, [6] to know the scenery and all of that [7] stuff.

[8] Q. What years did you work there?

[9] A. '73, I believe.

[10] Q. Just 1973?

[11] A. I believe so.

[12] Q. Other than those two companies, [13] Art Photography and Hertzleah, did you [14] work anywhere else?

[15] MR. DINHOFFER: Hertzleah is the [16] town.

[17] THE WITNESS: It was Hertzleah [18] Studio.

[19] MR. DINHOFFER: Oh, I thought it [20] was just the town.

[21] Q. Who else were you employed by in [22] Israel?

[23] A. By the Education Office of [24] Israel.

[25] Q. When were you employed there?

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[2] A. I think since 19 - I think from [3] '75 until - I don't recall. It was for [4] a few years.

[5] Q. What did you do for the [6] Education Office of Israel?

[7] A. I was teaching cinema [8] photography.

[9] Q. Any other companies that [10] employed you in Israel?

[11] A. I worked as a sales person.

[12] Q. A salesman?

[13] A. Yes. For photography supplies.

[14] Q. What was the name of that [15] company?

[16] A. Hadar.

[17] MR. DINHOFFER: H-a-d-a-r?

[18] THE WITNESS: H-a-d-a-r, I'm [19] sorry.

[20] Q. Where was that located?

[21] A. Tel Aviv.

[22] Q. What years did you work there?

[23] A. I don't recall.

[24] Q. Do you recall how much you [25] earned there?

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[2] A. No.

[3] Q. Other than a rubber stamp, do [4] you have any records at home or anywhere [5] else that deal with any of this [6] employment?

[7] A. No.

[8] Q. Did you file tax returns in [9] Israel?

[10] A. In Israel you don't file tax [11] return. You pay taxes all of the time.

[12] MR. DINHOFFER: They take it [13] before you get it.

[14] THE WITNESS: Yes, they take it [15] before you get it.

[16] MR. DINHOFFER: It's [17] withholdings.

[18] Q. Do you get any kind of a record [19] from the government with respect to the [20] taxes that you have paid?

[21] A. No.

[22] Q. What was the name of the company [23] that you owned in Israel?

[24] You mentioned that you were [25] self-employed.

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[2] A. I said I was working, doing [3] photography work under the name Art [4] Photography.

[5] Q. Art Photography was your [6] company?

[7] A. I was working there, yes.

[8] Q. That is not my question.

[9] You mentioned before, if I heard [10] you correctly, that at some point in time [11] in Israel you were self-employed.

[12] A. This is my self-employed. I was [13] working there in substitution salary, but [14] working for other places.

[15] Q. You have to explain that.

[16] MR. DINHOFFER: He was [17] supplementing his income from the other [18] jobs.

[19] A. I was trying to supplement work [20] by working at the companies that I [21] mentioned before, plus trying to do some [22] work on my own in the evenings or other [23] times.

[24] This is what I'm trying to [25] explain.

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[2] Q. Did you own Art Photography?

[3] A. It's not really owned.

[4] Yes, I was the one who was [5] responsible for it.

[6] Q. Other than the companies that [7] you have mentioned so far this morning, [8] have you ever been employed by anyone [9] else?

[10] MR. DINHOFFER: Well, in Israel [11] you are referring to, right?

[12] MR. BURFORD: Up until today.

[13] MR. DINHOFFER: We are talking [14] about every type of employment that you [15] ever had in your whole life.

[16] THE WITNESS: In my life?

[17] MR. DINHOFFER: Your newspaper [18] route, whatever.

[19] A. I really don't recall [20] everything.

[21] I worked one day there and one [22] day here sometimes.

[23] I don't recall all of the [24] times.

[25] Q. What about since you have been

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[2] in the United States?

[3] A. In the beginning, I was doing [4] some carpenter work in New Jersey.

[5] Q. What was the company that you [6] worked for?

[7] A. No company name.

[8] Q. Who did you work for?

[9] A. People come to ask me if I can [10] help them fix something and I help them.

[11] Q. Were you self-employed?

[12] A. Yes.

[13] MR. DINHOFFER: A handyman.

[14] A. At the time I did not have a [15] job. I just came to the country.

[16] Q. Any other place that you have [17] been employed since coming to the United [18] States?

[19] A. Since 1981, I was employed by [20] Albert Einstein College of Medicine.

[21] Q. Other than Albert Einstein, any [22] other place?

[23] A. Not that I recall.

[24] I'm sorry, it was 1982 for [25] Albert Einstein, correct that.

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[2] Q. Other than your hospitalization [3] in New Jersey for the car accident, and [4] your hospitalization at Albert Einstein, [5] have you been hospitalized any other place [6] since coming to the United States?

[7] A. I had surgery in 1987.

[8] Q. Where was that done?

[9] A. At Einstein.

[10] MR. DINHOFFER: When you say [11] hospitalizations, do you mean admissions [12] or do you mean emergency room treatments, [13] clinic visits?

[14] MR. BURFORD: All of the above.

[15] MR. DINHOFFER: All of the above, [16] okay.

[17] Did you understand that when you [18] answered the question?

[19] THE WITNESS: Yes.

[20] Q. What kind of surgery did you [21] have in 1987?

[22] A. I had exploration of the median [23] nerve. With my left wrist.

[24] Q. Prior to 1987, had you injured [25] either of your wrists?

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[2] A. No.

[3] Q. What happened that brought about [4] the surgery in 1987 on your left wrist?

[5] A. I was injured by my ex-wife.

[6] Q. In what way were you injured by [7] your ex-wife?

[8] A. I was stabbed.

[9] Q. Where were you stabbed?

[10] A. In my wrist.

[11] Q. Your left wrist?

[12] A. Yes.

[13] Q. What part of your left wrist?

[14] A. Around three fingers [15] above the - what is this called - it's [16] high on the wrist. [17] I cannot give you exactly.

[18] Q. Three fingers above your hand on [19] your wrist?

[20] A. Yes, three fingers.

[21] MR. DINHOFFER: When he says [22] above, he is going towards the elbow.

[23] A. Three to four fingers above.

[24] MR. DINHOFFER: He is indicating [25] the joint line.

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[2] MR. BURFORD: The right hand [3] joint line.

[4] MR. DINHOFFER: Right.

[5] Q. Three to four fingers above [6] that?

[7] A. Yes.

[8] Q. On top of your wrist or the [9] bottom of your wrist?

[10] A. The bottom.

[11] MR. DINHOFFER: What do you mean [12] by top and bottom, I'm sorry.

[13] Q. In other words, the palm side of [14] your wrist or the top of your hand side of [15] the wrist, or some other way you want to [16] describe it.

[17] A. The palm.

[18] Q. The palm side of your wrist?

[19] A. Yes.

[20] Q. What did the wound look like [21] after you were stabbed?

[22] A. It was very small. There was [23] some bleeding.

[24] Q. Were any criminal charges [25] brought as a result of that?

Page 62

[2] A. No.

[3] Q. What did your wife stab you [4] with?

[5] A. With a knife.

[6] Q. What kind of knife?

[7] A. A kitchen knife.

[8] Q. Do you remember the size of it?

[9] A. A small one.

[10] Q. What happened next?

[11] A. I went - she insisted that I [12] should go to the emergency room.

[13] Q. And what emergency room did you [14] go to?

[15] A. St. Barnabas.

[16] Q. Do you remember when this was in [17] 1987?

[18] A. September, I believe [19] September 5th.

[20] Q. Did she accompany you to the [21] emergency room?

[22] A. She did.

[23] Q. What happened when you got to [24] the emergency room?

[25] A. She tried to assign me to

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[2] Psychiatry, which I refused.

[3] Q. Why did your wife want you to [4] see a psychiatrist?

[5] A. At the time I did not know her [6] motive, but later on it exploded; she was [7] trying to break up the marriage; which I [8] didn't know.

[9] Q. Did she have any conversations [10] with the doctors at the hospital that you [11] are aware of?

[12] A. The only thing that I'm aware of [13] that the doctor told me, that he would [14] like me to get evaluated by a doctor, and [15] I said to him what kind of doctor, and he [16] said a psychiatrist, and I said it's no [17] need for that. I'm not going to be seen [18] by any psychiatrist.

[19] He said she is insisting, and I [20] said I'm sorry.

[21] Q. Do you know why she was [22] insisting that you see a psychiatrist?

[23] A. As I said before, she had a [24] motive which I did not know.

[25] Q. Do you know any of the

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[2] information that she told the doctors at [3] the time?

[4] A. No.

[5] Q. Did you have any discussions [6] with your wife about what she had told the [7] doctors?

[8] A. She claimed that I injured [9] myself, I believe so. That is what I [10] recollect.

[11] I said it was an accident at [12] home because I didn't want to cause any [13] marital problems and break up the [14] marriage.

[15] She told me that she wanted to [16] have somebody from her family to evaluate [17] you, which she was not on duty the same [18] night, and she asked for another person.

[19] Q. Had you been depressed at any [20] time prior to going to St. Barnabas?

[21] A. I was not depressed. I just was [22] going through grief because of my father's [23] death, which is normal.

[24] Q. I'm sorry?

[25] A. I was going through grief of my

Page 65

[2] father's death.

[3] Q. Your father had died?

[4] A. Yes.

[5] Q. When had your father died?

[6] A. February of '87, I believe.

[7] Q. '82?

[8] A. '87. It was a few months before [9] this.

[10] Q. Did you see any doctors as a [11] result of your father dying?

[12] A. I did not have any depression or [13] any psychiatry problem because of that.

[14] Q. Had you ever attempted suicide?

[15] A. No.

[16] Q. Do you know if your wife had [17] reported to the doctors at St. Barnabas [18] that you had attempted suicide?

[19] A. She said a lot of things.

[20] Q. What did she say?

[21] A. As I said, they told me she said [22] that I was trying to hurt myself.

[23] I declined that, and I said it [24] was an accident.

[25] Q. What did you tell the doctors at

Page 66

[2] the hospital happened?

[3] A. I just said before it was an [4] accident.

[5] Q. Did you describe the accident at [6] all to them?

[7] A. No. Not really.

[8] I don't recall exactly, it was [9] too many years back, and I cannot remember [10] exactly every line that I said to the [11] doctor.

[12] Q. Do you remember anything that [13] you told the doctors?

[14] A. I told them it was an accident.

[15] Q. Other than the fact that it was [16] an accident?

[17] A. And that I do not have any [18] medical problem and I'm not depressed, and [19] I know what happened.

[20] I know the date, I know the [21] hour. I'm very alert.

[22] And I do not think that [23] everything she said was the truth.

[24] Q. Had you seen a Dr. Friedland?

[25] A. No, I did not see Dr. Friedland

Page 67

[2] for myself.

[3] Q. Did you see Dr. Friedland for [4] anybody else?

[5] A. For my kids.

[6] Q. Which of your kids saw [7] Dr. Friedland?

[8] A. Both of them.

[9] Q. What sort of specialty is [10] Dr. Friedland?

[11] A. A psychiatrist.

[12] Q. Did you have any discussions [13] with Dr. Friedland about the care of your [14] children?

[15] A. He saw my kids only twice.

[16] Due to stress that my kids were [17] going through because of the divorce, he [18] saw them.

[19] Q. When were you divorced?

[20] A. I don't understand the question.

[21] Q. Who brought the divorce action?

[22] A. She did.

[23] Q. When was that brought?

[24] A. The paper was filed in March of [25] 1989.

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[2] Q. When did your children start [3] seeing Dr. Friedland?

[4] A. Three months later.

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[5] Q. Had anyone in your family seen [6] Dr. Friedland as of the time you were in [7] St. Barnabas?

[8] A. No. I don't know if my wife [9] was, but I don't know.

[10] If you ask me to my [11] recollection, no.
[12] The first time I ever heard [13] about this name was from my ex-wife after [14] this incident.

[15] Q. What did your wife tell you [16] about Dr. Friedland when you heard about [17] him for the first time?

[18] A. It was her family member.

[19] Q. He is related to your ex-wife?

[20] A. Yes.

[21] Q. Do you know the nature of the [22] relationship?

[23] A. No.

[24] Q. Did you see a Dr. Hindin?

[25] A. No, I did not see Dr. Hindin.

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[2] Q. Do you know who Dr. Hindin is?

[3] A. I know from synagogue, that's [4] the only thing I can tell you about.

[5] Q. I didn't hear you?

[6] A. I knew him from synagogue.

[7] Q. From where?

[8] A. From synagogue, from services; [9] he is a friend from services.

[10] Q. What kind of doctor is [11] Dr. Hindin?

[12] A. Psychiatrist.

[13] Q. Other than seeing Dr. Hindin in [14] services, had you ever seen him in any [15] other capacity?

[16] A. No.

[17] Q. Did anyone in your family see [18] Dr. Hindin in any other capacity?

[19] A. Not that I know of.

[20] Q. Did St. Barnabas refer you to [21] Dr. Hindin?

[22] A. They were talking about it. [23] They were talking about, as I said, about [24] psychiatrists, and as I said, she was [25] asking for me to be seen, and she was

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[2] referring the names.

[3] To them, she was telling them, [4] that is my understanding.

[5] And more than that, I cannot [6] tell you.

[7] Q. How long were you in [8] St. Barnabas Hospital?

[9] A. For a few hours.

[10] Q. What sort of treatment did you [11] receive there?

[12] A. I received stitches and was sent [13] home.

[14] Q. Any medication?

[15] A. No. Not that I recall. I did [16] not get any medication.

[17] Q. Did you get a tetanus shot while [18] you were there?

[19] A. I do not recall.

[20] Q. As of September '87, from the [21] time you came to the United States until [22] September of '87, did you have a family [23] doctor?

[24] A. The doctor that I saw at the [25] time was at the Health Services at

Page 71

[2] Einstein.

[3] Q. When you were sent home from the [4] emergency room, were you given any [5] instructions to follow up with any [6] doctors?

[7] A. They told me to see Dr. Hindin.

[8] Q. Anyone else?

[9] A. Not that I recall.

[10] Q. Did you have stitches in your [11] wrist when you went home?

[12] A. Yes.

[13] Q. How did the stitches come out?

[14] A. I cannot recall, but - no, I [15] don't recall.

[16] I know I saw a doctor. I think [17] it was at Einstein, but I do not recall.

[18] Q. Why didn't you see Dr. Hindin?

[19] A. Because, I did not have a [20] medical problem.

[21] I did not have psychiatry [22] problem.

[23] And second, he is - when I saw [24] him in synagogue, he said he is not [25] willing to talk to me because he is a

Page 72

[2] friend of mine.

[3] He is not professionally -

[4] Q. Prior to September of 1987, had [5] there been any other violent episodes [6] between you and your wife?

[7] A. Never.

[8] Q. Were there any after that?

[9] A. After that, no.

[10] Q. Did you continue to live [11] together with your wife after that?

[12] A. Yes.

[13] Q. How long did you live together?

[14] A. Until December of 1988. We had [15] the separation in the middle for ten days, [16] but that was it.

[17] Q. What happened in December of [18] 1988?

[19] A. She left home.

[20] Q. Do you recall the grounds for [21] the divorce?

[22] A. It was a lot of them.

[23] Q. What do you recall?

[24] A. She filed a full paper that was [25] being said.

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[2] Everything that she said was not [3] true, though.

[4] Q. What did she say?

[5] MR. DINHOFFER: What she said [6] doesn't matter, what was the finding?

[7] THE WITNESS: The finding, there [8] was no finding.

[9] MR. DINHOFFER: Was there any [10] finding in the divorce decree.

[11] THE WITNESS: They said that I [12] have a mental cruelty.

[13] Q. How long were the stitches in [14] your wrist?

[15] A. I don't recall.

[16] Q. Other than the stitches being [17] taken out by some doctor, did you have any [18] other treatment on your wrist after [19] St. Barnabas?

[20] A. Yes.

[21] Q. What happened next?

[22] A. I had surgery in September [23] 1987.

[24] Q. After being seen at St. [25] Barnabas, what sort of symptoms did you

Page 74

[2] have in your wrist?

[3] A. I have pain in my wrist and pain [4] in my palm, and the area of the fingers 1, [5] 2 and 3.

[6] Q. This is between St. Barnabas and [7] September of '87 when you had the [8] surgery -

[9] A. It was three weeks between the [10] two.

[11] Q. What symptoms did you have in [12] your wrist?

[13] A. As I said, I had pain. I had [14] pain and I have - I don't recall.

[15] The pain I recall.

[16] Q. Where was the pain in your [17] wrist?

[18] A. Right there.

[19] Q. In the area where you were cut?

[20] A. Yes. And the pain - I had some [21] pains also into this area.

[22] Q. Into the area right below your [23] thumb?

[24] A. Yes.

[25] Q. On the palm side below your

Page 75

[2] thumb?

[3] A. Yes.

[4] MR. DINHOFFER: The fleshy part [5] of the thumb.

[6] MR. BURFORD: Yes, however you [7] want to call it.

[8] MR. DINHOFFER: Let's take a [9] break for a second.

[10] (Short recess taken.)

[11] Q. Let's go back for a moment to [12] the car accident.

[13] Other than pain in your neck, [14] did you have any symptoms in either of [15] your arms, your hands or wrist after the [16] car accident in 1981?

[17] A. I know for a fact that my left [18] hand I had no problem.

[19] I do not recall that I had [20] anything with my right either.

[21] Q. No part of your right arm, not [22] your arm, wrist, hand, elbow, nothing?

[23] A. I do not recall exactly, but [24] like I said -

[25] MR. DINHOFFER: That's his

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[2] testimony, he doesn't recall.

[3] MR. BURFORD: He said he doesn't [4] recall exactly, I want to find out what he [5] does recall.

[6] MR. DINHOFFER: That's his [7] testimony.

[8] Q. Do you recall anything at all [9] about your right arm, hand, wrist?

[10] A. I know that I had after a few [11] years, that I had some pain with my right [12] hand is the only thing that I recall.

[13] In my wrist I had problem.

[14] Q. When did the pain in your right [15] wrist start?

[16] A. I do not recall.

[17] Q. Do you recall how few years it [18] was?

[19] A. No, I do not.

[20] Q. How would you describe - you [21] said it was pain in your right wrist or [22] something else?

[23] A. It was not my wrist, it would be [24] more near finger number 1, that area, the [25] thumb.

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[2] Q. What year did you start [3] experiencing in finger number 1?

[4] A. It was a very short period of [5] time, so I don't recall.

[6] Q. How short a period of time?

[7] A. That, I cannot recall. I don't [8] remember that.

[9] Q. Was it pain, numbness, tingling, [10] something else?

[11] A. I do not recall.

[12] Q. Other than finger number 1, did [13] you feel any other symptoms on your entire [14] arm and hand?

[15] A. Not that I recall.
 [16] Q. Now, you mentioned that your [17] left hand had no problems.
 [18] Was there any part of your left [19] arm that had a problem, your wrist, elbow, [20] shoulder, arm, hand, anything?
 [21] A. From my shoulder down I did not [22] have any problem until my injury of '87 [23] that I described before.
 [24] Q. That is lifting the box?
 [25] A. No, what I described before.

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[2] MR. DINHOFFER: The stabbing.
 [3] Q. The stabbing?
 [4] A. Yes.
 [5] Q. Other than the pain where you [6] were cut in '87 and the fleshy area of the [7] thumb, any other symptoms at all after the [8] stabbing?
 [9] A. No.
 [10] Q. How did you find your way to [11] Albert Einstein in '87 for surgery?
 [12] A. I was working there.
 [13] Q. Were you referred to a [14] particular doctor at Einstein?
 [15] A. Dr. Goldstein.
 [16] Q. Who referred you to [17] Dr. Goldstein?
 [18] A. A client.
 [19] Q. Pardon me?
 [20] A. A client that I was working [21] with.
 [22] Q. When did you see Dr. Goldstein [23] for the first time?
 [24] A. A week before surgery. I [25] believe I saw him a week before surgery.

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[2] I believe so, yes.
 [3] Q. What prompted you to go see [4] Dr. Goldstein?
 [5] A. I don't understand the question.
 [6] Q. What about your condition [7] prompted you to go see Dr. Goldstein?
 [8] A. I had pain, and I had [9] discomfort, and I wanted him to tell me [10] what's going on.
 [11] Q. Had the pain changed at all in [12] the three weeks between St. Barnabas and [13] your admission -
 [14] A. I don't recall.
 [15] Q. Where did you see Dr. Goldstein [16] for the first time?
 [17] A. In his office.
 [18] Q. Where was his office located?
 [19] A. In Einstein.
 [20] Q. What happened during your first [21] visit with Dr. Goldstein?
 [22] A. He just made a comment that you [23] may need to go for surgery.
 [24] Q. That you what?
 [25] A. May need to go for surgery.

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[2] Q. Did he tell you why you may need [3] to go for surgery?
 [4] A. Just to do an exploration of the [5] nerve.
 [6] Q. Did he say anything else?
 [7] A. Not that I recall.
 [8] Q. Did he do an examination?
 [9] A. I believe so, yes.
 [10] Q. What sort of examination did he [11] do?
 [12] A. I do not recall.
 [13] Q. Did he ask you how the injury [14] happened?
 [15] A. I do not recall.
 [16] Q. Do you recall anything at all [17] that

you said to him during this first [18] visit?
 [19] A. No, I don't recall.
 [20] Q. When you saw Dr. Goldstein for [21] the first time, did you fill out a Patient [22] Information Form?
 [23] A. I do not recall.
 [24] Q. Did you sign any papers when you [25] saw him for the first time?

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[2] A. I do not recall.
 [3] Q. Do you know who Dr. Sprintzen [4] is?
 [5] MR. DINHOFFER: S-p-r-i-n-t-z-e-n.
 [6] A. I think he is the doctor that [7] referred me to Dr. Goldstein.
 [8] MR. BURFORD: Would you mark [9] this for identification.
 [10] (Document entitled Patient [11] Information marked Defendants' Exhibit 1 [12] for identification, this date.)
 [13] Q. Sir, let me show you what has [14] been marked as Defendants' Exhibit 1 for [15] identification, and ask you if you have [16] ever seen that before?
 [17] MR. DINHOFFER: The question is, [18] have you ever seen that document before?
 [19] THE WITNESS: What?
 [20] MR. DINHOFFER: Look at that [21] document, and after you have had an [22] opportunity to look at the document, the [23] question is, have you ever seen that [24] document before?
 [25] A. Have I seen Dr. Sprintzen?

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[2] Q. Just that piece of paper, have [3] you ever seen that piece of paper before?
 [4] MR. DINHOFFER: Or the original, [5] that being a photocopy?
 [6] Q. Or the original of that?
 [7] A. I really don't recall. I may [8] have signed it or something, but I really [9] don't recall.
 [10] Q. Is that your signature in the [11] lower right-hand corner?
 [12] A. It doesn't look like my [13] signature.
 [14] I cannot say anything about [15] that.
 [16] Q. It's not your signature, or you [17] don't know?
 [18] A. This signature, I never sign [19] this kind of way.
 [20] All of my signatures was never [21] like that, so I don't know.
 [22] Q. Does your handwriting show [23] anywhere on that exhibit?
 [24] A. No.
 [25] Q. When you were seen at

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[2] Dr. Goldstein's office, did they ask you [3] if the problem you had was the result of a [4] recent or past injury?
 [5] A. I don't recall the conversation, [6] like I said before.
 [7] Q. Other than the fact that you [8] might need surgery, did Dr. Goldstein tell [9] you anything else?
 [10] A. I do not recall.
 [11] Q. Did you ask Dr. Goldstein any [12] questions other than what you have told us [13] about so far?
 [14] A. I just asked him why I'm going [15] for surgery.
 [16] Q. What did he say?
 [17] A. To do exploration, to find out [18] why you have problems.
 [19] Q. Any other discussions whatsoever [20] between you and Dr. Goldstein during that [21] first visit?

[22] A. That's what I recall.
 [23] Q. Other than Dr. Goldstein and [24] St. Barnabas, had you been seen by any [25] other doctors as a result of the cut on

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[2] your wrist?
 [3] A. I work in a medical [4] institution.
 [5] I can walk on the street and [6] find the doctors I know and I ask him [7] questions.
 [8] So I can't tell you.
 [9] But in relation to your [10] question, I would say that I spoke with [11] doctors.
 [12] That is my response.
 [13] Q. Do you remember the names of any [14] of those doctors?
 [15] A. No.
 [16] Q. Do you remember any of the [17] discussions between yourself and those [18] doctors?
 [19] A. One time I had just one of the [20] doctors, I saw him on the street and he [21] asked me why I have a bandage, and I said [22] I got injured.
 [23] That is what I recall. He [24] looked at me, and that is all I recall.
 [25] I don't recall any other

Page 85

[2] information.
 [3] Q. Any other discussions that you [4] recall with any other doctors that you met [5] informally?
 [6] A. As I said, I do not recall. The [7] only thing I recall from this incident is [8] that I was at St. Barnabas in the [9] emergency room and I saw Dr. Goldstein.
 [10] This is my best recollection.
 [11] That is all I can recall.
 [12] Q. What is the next doctor that you [13] saw after Dr. Goldstein's first visit?
 [14] A. He did the surgery after that.
 [15] Q. Were you admitted to Albert [16] Einstein?
 [17] A. I was an outpatient.
 [18] Q. How soon after the first visit [19] with Dr. Goldstein was your outpatient [20] surgery?
 [21] A. The surgery was on September 21,
 [22] I believe. Around this time.
 [23] So, you have all of the [24] documentation and you can see it. I don't [25] know.

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[2] Q. Did you have any discussions [3] with any doctors before you had the [4] surgery, other than the first visit with [5] Dr. Goldstein and what you have told us so [6] far?
 [7] A. I don't understand the question.
 [8] Q. When you were admitted as an [9] outpatient at Einstein for the surgery, [10] did you have any discussions with any [11] doctors before you had the surgery done?
 [12] A. Well, the anesthesiologist.
 [13] Q. What did the anesthesiologist [14] tell you?
 [15] A. I don't recall. I was nervous [16] before surgery, so I don't recall.
 [17] Q. Did you ask the anesthesiologist [18] any questions?
 [19] A. What kind of anesthesia they're [20] going to do.
 [21] Q. Pardon me?
 [22] A. What kind of anesthesia were [23] they going to do.
 [24] Q. What kind of anesthesia was it?
 [25] A. She said local.

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[2] Q. Do you remember the name of the [3]

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anesthesiologist you spoke to?

[4] A. No.

[5] Q. Did you have any discussion with [6] any doctors, Dr. Goldstein or anyone else, [7] about the risks of the surgery?

[8] A. Dr. Goldstein told me that - I [9] do not recall now.

[10] Q. Did you ask Dr. Goldstein any [11] questions about the risks of the [12] operation?

[13] A. I asked him what he is going to [14] do.

[15] Q. What did he tell you?

[16] A. He is doing an exploration of [17] the nerve.

[18] Q. And did he tell you that there [19] were any risks attached to the surgery?

[20] A. To the best of my knowledge, he [21] did not discuss risks of the surgery.

[22] Q. During your training in the [23] military in Israel, did you have any [24] training that concerned surgery?

[25] A. As I said before, I was being

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[2] trained to do basics.

[3] Q. Did any of your training in [4] Israel deal with surgery?

[5] A. What the O.R. looks like.

[6] Q. Pardon me?

[7] MR. DINHOFFER: He said what the [8] O.R. looks like.

[9] MR. BURFORD: Okay.

[10] A. I do not recall what I learned.

[11] You are talking about many, many [12] years back.

[13] Q. So your answer then is that you [14] have no recollection of any discussions [15] whatsoever that touched on surgery in any [16] fashion?

[17] A. What, in the army?

[18] Q. Yes.

[19] A. As I said before, I took a lot [20] of courses and I don't remember all of the [21] courses that I took.

[22] Specific surgery, no. We didn't [23] learn how to do surgery and what happened [24] with surgery. I did not learn how to do [25] surgery.

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[2] Q. Okay. Did you sign any consent [3] forms for Dr. Goldstein?

[4] A. I believe so.

[5] Q. And did you read the consent [6] forms?

[7] A. They do not give you the time to [8] read it.

[9] Q. Did you ask anyone for time to [10] read the consent forms?

[11] A. I just asked what does it say, [12] and they said it's permission for me to do [13] the surgery, and I said okay, no problem.

[14] Q. Where were you when you signed [15] the consent form?

[16] A. I believe, I'm not sure, in his [17] office.

[18] Q. You signed the form in his [19] office?

[20] A. I believe, as I said. I'm not [21] sure.

[22] Q. Do you have any recollection of [23] what was in the consent forms that you [24] signed in his office?

[25] A. I just went with his words to

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[2] give him permission to do surgery.

[3] Q. Any recollection of anything [4] else being in the consent forms you [5] signed?

[6] A. That if he will find - no, I [7] really don't.

[8] Q. Did you sign a consent for [9] Dr. Goldstein to take photographs or [10] videos?

[11] A. As I said, I signed one consent, [12] I believe, but I don't recall.

[13] What specific information I [14] signed, I just went with his instruction.

[15] What he told me, I believed.

[16] MR. BURFORD: Would you mark [17] this as Defendants' Exhibit 2 for [18] identification.

[19] (Document entitled Photograph [20] and/or Movie Consent Form, marked [21] Defendants' Exhibit 2 for identification, [22] this date.)

[23] Q. Let me show you Defendants' [24] Exhibit 2 and ask you if you have ever [25] seen that document, or the original from

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[2] which that copy was made?

[3] MR. DINHOFFER: What's the [4] question?

[5] Q. Do you recognize that document, [6] have you ever seen that before or the [7] original from which that copy was made, [8] Defendants' Exhibit 2 for identification?

[9] A. I do not recall the content.

[10] MR. DINHOFFER: The question is, [11] not do you recall the content, do you [12] recall ever seeing the document before?

[13] THE WITNESS: As I say, it was a [14] long time ago, I don't recall.

[15] Q. Does your handwriting appear [16] anywhere on that form?

[17] A. It could be the signature.

[18] Q. That's your signature?

[19] A. No, the self, the word "self."

[20] Q. The word "self" is written by [21] you?

[22] A. Yes.

[23] Q. And to the left of where it says [24] self, is that your signature?

[25] A. I believe so.

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[2] MR. DINHOFFER: Can I get a copy [3] of that as well as the other exhibits?

[4] MR. BURFORD: Yes.

[5] Q. Did you have any discussion with [6] any residents or interns, or anyone else [7] in the hospital, other than Dr. Goldstein [8] and the anesthesiologist before surgery?

[9] A. Not that I recall.

[10] Q. Did Dr. Goldstein tell you what [11] he hoped to accomplish with the surgery?

[12] A. To find out what the problem [13] is.

[14] Q. Did he tell you anything else?

[15] A. He told me if he find any [16] problem, we will fix it. That's it.

[17] Q. Did the symptoms that you were [18] having change at all up until the moment [19] of surgery?

[20] From the time you were initially [21] cut, until the moment of surgery, did your [22] symptoms change at all?

[23] A. I do not recall, but I think [24] not.

[25] Q. Were you awake for the surgery?

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[2] A. Pardon me?

[3] Q. Were you awake for the surgery?

[4] A. No.

[5] Q. Do you recall anything that [6] happened during the surgery?

[7] A. No.

[8] Q. Any discussions that you heard?

[9] A. Like I said, I was not awake.

[10] Q. What's your first recollection [11] when you woke up?

[12] A. Vomiting.

[13] Q. Who is the first person that you [14] spoke to when you woke up?

[15] A. I do not recall.

[16] Q. Do you recall speaking with any [17] doctors after you woke up?

[18] A. I do not recall.

[19] Q. What is your first recollection [20] of speaking to a doctor after your [21] surgery?

[22] A. The only thing I recall, before [23] discharge I believe I asked the [24] anesthesiologist why I was asleep.

[25] That's the only thing that I

Page 94

[2] recall that I asked.

[3] Q. Why you were asleep for the [4] surgery?

[5] A. Yes.

[6] Q. And what did the [7] anesthesiologist tell you?

[8] A. She did not respond. She left [9] the area.

[10] Q. From the time you woke up after [11] the surgery, until the time you left the [12] hospital, do you have any recollection [13] whatsoever of speaking to any doctors?

[14] A. The only recollection I have is [15] what I said only a few seconds ago.

[16] Q. What about the nurses?

[17] A. I do not recall.

[18] Q. When you left the hospital, [19] where did you go?

[20] A. I went - somebody picked me up [21] and took me home.

[22] Q. Were you given any discharge [23] instructions?

[24] A. Just - no, I do not recall [25] that.

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[2] Q. Do you recall if you were told [3] how to care for the injury?

[4] A. Told me to take - I do not [5] recall.

[6] The only thing I did - I do not [7] know - is that I had to take medication.

[8] Tylenol and stuff like that, [9] that's it.

[10] Q. Was this over-the-counter [11] Tylenol or prescription?

[12] A. Over-the-counter.

[13] Q. Other than over-the-counter [14] Tylenol, were you on any other medication [15] after your surgery?

[16] A. No.

[17] Q. What kind of symptoms did you [18] have in your wrist after the surgery, [19] immediately after the surgery?

[20] A. I do not recall.

[21] Q. Who is the first doctor you saw [22] post-operatively?

[23] A. I saw Dr. Goldstein, I think, in [24] his office after a few days.

[25] Q. What happened during the office

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[2] visit with Dr. Goldstein?

[3] A. I do not recall.

[4] Q. Were you wearing any bandages, [5] braces, casts, supports or anything like [6] that on your wrist?

[7] A. Yes.

[8] Q. What did you have on your wrist?

[9] A. I do not recall if it was a cast [10] or a bandage.

[11] Q. What did Dr. Goldstein tell you [12] during the first post-operative visit?

[13] A. He just told me to take time to [14] recuperate.

[15] Q. Did he tell you anything else?

[16] A. That is what I recall.

[17] Q. What symptoms were you having as [18] of the time you were seen by Dr. Goldstein [19] for your first post-operative visit?

[20] A. Pain in fingers 1, 2 and 3, I [21] believe.
 [22] That is to the best of my [23] recollection.
 [24] Q. What parts of fingers 1, 2 [25] and 3?

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[2] A. I cannot - the front.
 [3] Q. By the front, you mean the palm [4] side?
 [5] A. Yes, the palm side.
 [6] Q. Did it extend the full length of [7] the fingers or something else?
 [8] A. I don't recall.
 [9] Q. Other than pain on the palm side [10] of fingers 1, 2 and 3, did you have any [11] other symptoms?
 [12] A. I had pain in my - what do you [13] call it - this area here?
 [14] Q. The bicep area?
 [15] MR. DINHOFFER: The big muscle [16] here?
 [17] THE WITNESS: Yes.
 [18] Q. The bicep area?
 [19] MR. DINHOFFER: That is what he [20] is indicating.
 [21] A. Yes, the muscle on the top.
 [22] Q. When was the first time that you [23] had pain in that area?
 [24] A. The first time, I don't recall [25] exactly the first time, but when I went to

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[2] his office, I think I told him about that.
 [3] Q. Did you have that before the [4] surgery?
 [5] A. No.
 [6] Q. What did you say to [7] Dr. Goldstein about that pain, and what [8] did he say to you?
 [9] A. I said I have some pain, and he [10] said you have some hematoma there, and [11] that's it. And with time, it would go [12] away.
 [13] Q. Pardon me?
 [14] A. He told me with time it would go [15] away.
 [16] Q. Did it go away?
 [17] A. Yes.
 [18] Q. How long did it take to go away?
 [19] A. It took a long time. I think it [20] took around - the pain in this area took [21] a year-and-a-half to go away, two years, [22] something like that.
 [23] Q. And did you see anything unusual [24] about that area of your arm when you [25] looked at it?

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[2] A. It was green.
 [3] Q. Anything else?
 [4] A. That's it.
 [5] Q. How long did it look green?
 [6] A. I really do not recall.
 [7] Q. Who is the next doctor you saw?
 [8] A. Dr. - I think Dr. Kaplan.
 [9] Q. And who is Dr. Kaplan?
 [10] A. He is an EMG specialist.
 [11] Q. And where is Dr. Kaplan's [12] office?
 [13] A. Einstein.
 [14] Q. Did you have EMGs by Dr. Kaplan?
 [15] A. To the best of my recollection, [16] yes.
 [17] Q. Did Dr. Kaplan or anyone else [18] describe the results to you?
 [19] A. He just - I think he just - [20] I'm not sure. I really do not recall.
 [21] I cannot be this specific when I [22] do not recall what he said to me.
 [23] Q. What part of the body did the [24] EMG cover?
 [25] A. My wrist.

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[2] Q. One wrist or both wrists?
 [3] A. Usually they do comparisons, so [4] they do both.
 [5] Q. Bilaterally, both wrists?
 [6] A. Yes.
 [7] Q. And where was the EMG done?
 [8] A. At Einstein.
 [9] Q. Did anyone describe the results [10] of the study to you?
 [11] A. As I said -
 [12] MR. DINHOFFER: That was asked [13] and answered.
 [14] Q. What did Dr. Goldstein tell you [15] about the EMG?
 [16] A. He did not talk with me about [17] the EMG to my best recollection.
 [18] Q. Did Dr. Kaplan talk to you about [19] the EMG?
 [20] A. As I said before, I do not [21] recall the discussion about the EMG.
 [22] Q. Do you remember anything about [23] this EMG?
 [24] A. This specific one, no.
 [25] Q. Had you ever had an EMG before?

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[2] A. Not that I recall.
 [3] Q. Who is the next doctor that you [4] saw?
 [5] A. Dr. Spinner.
 [6] Q. What kind of specialty does [7] Dr. Spinner have?
 [8] A. Orthopedics and surgery.
 [9] Q. At Einstein?
 [10] A. Long Island.
 [11] Q. Who referred you to Dr. Spinner?
 [12] A. Dr. Kaplan.
 [13] Q. Dr. Kaplan?
 [14] A. Yes.
 [15] Q. Did Dr. Kaplan tell you why he [16] was referring you to Dr. Spinner?
 [17] A. He told me that I should see him [18] because he is a very good doctor.
 [19] Q. When did you see Dr. Spinner?
 [20] A. I do not recall.
 [21] Q. Was it shortly after the EMGs, [22] or something else?
 [23] A. I do not recall.
 [24] Q. Did you have any discussions [25] with Dr. Spinner?

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[2] A. He did an examination and told [3] me at the time that it would be okay.
 [4] Q. What kind of examination did [5] Dr. Spinner do?
 [6] A. Physical examination.
 [7] Q. Do you recall what he did [8] specifically?
 [9] A. No. No, I do not recall.
 [10] Q. As of the time that you were [11] seen by Dr. Spinner, what kind of symptoms [12] were you having?
 [13] A. Same symptoms I had when I went [14] to Dr. Goldstein.
 [15] Q. The same symptoms as before the [16] surgery, or the same symptoms as after the [17] surgery?
 [18] A. After the surgery.
 [19] Q. Was there any discussion with [20] Dr. Spinner about the EMG done by [21] Dr. Kaplan?
 [22] A. No.
 [23] Q. Did Dr. Spinner or anyone else [24] have any discussion with you about your [25] right wrist?

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[2] A. About my right wrist?
 [3] Q. Yes, or any part of your right [4] arm?
 [5] A. Not that I recall.
 [6] Q. Up until the time you saw [7] Dr. Spinner, had you been having any [8] symptoms on your right arm, I mean the [9] whole arm, wrist, hand?
 [10] A. My right one?
 [11] Q. Yes.
 [12] A. As I said to you before, it is a [13] possibility, I do not recall exactly, but [14] I may have after my car accident.
 [15] I had some pain, as I said [16] before. That's the only thing that I [17] recall that I had.
 [18] Q. The symptoms that you mention [19] that you may have had on the right side [20] after your car accident, how long did that [21] continue?
 [22] A. I do not recall, but I know that [23] after that I did not complain about this [24] for the last many, many years, for the [25] last few years, so I cannot tell you

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[2] that.
 [3] Q. When you say the last few years, [4] you mean from today back a few years, you [5] haven't complained about it?
 [6] A. No.
 [7] MR. DINHOFFER: That was a no?
 [8] THE WITNESS: For the pain from [9] the shoulder like that, no; I said no, the [10] only thing I complain now is pain in my [11] wrist that I have.
 [12] MR. DINHOFFER: I don't know if [13] he understood the question.
 [14] MR. BURFORD: I will rephrase [15] it.
 [16] Q. You mentioned earlier that you [17] may have had some symptoms in your right [18] arm.
 [19] Now, when I say your arm, I mean [20] anywhere from your shoulder to the tips of [21] your fingers.
 [22] A. Okay.
 [23] Q. Following the motor vehicle [24] accident -
 [25] A. Okay.

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[2] Q. - whatever symptoms you had, [3] how long did they last from date of the [4] motor vehicle accident onward?
 [5] A. I do not recall.
 [6] Q. Now, you also mentioned that [7] whatever symptoms you had, you hadn't [8] complained about them for the last couple [9] of years.
 [10] A. That's correct.
 [11] Q. I see today that you are wearing [12] a brace or a bandage, or something on your [13] right wrist.
 [14] A. Yes.
 [15] Q. What symptoms do you still have [16] on the right side?
 [17] A. I do not still have. This is [18] something that is new.
 [19] Q. Did you have a recent injury to [20] your right wrist?
 [21] A. No, I develop carpal tunnel [22] syndrome.
 [23] Q. On the right -
 [24] A. Yes.
 [25] Q. When did you develop that?

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[2] A. The first symptoms that I recall [3] was around May of 1993.
 [4] Q. We will get to that.

BSA

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XMAX(12)

[5] Did Dr. Spinner prescribe any [6] treatment for you?
 [7] A. Physical therapy.
 [8] Q. Where did you go for physical [9] therapy?
 [10] A. Some place in New Jersey. I do [11] not recall.
 [12] Q. Was it a doctor's office, rehab [13] center, or something else?
 [14] A. It was a woman.
 [15] Q. A private practitioner?
 [16] A. Yes.
 [17] Q. Who paid her bill?
 [18] A. 1199.
 [19] Q. How often did you see her?
 [20] A. I saw her for a short period of [21] time, and she told me that I can continue [22] the treatment at home. I do not need [23] her.
 [24] Q. What sort of treatment did you [25] do at home?

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[2] A. Hot baths and exercise.
 [3] Q. What kind of exercise?
 [4] A. Just move my hand up and - I do [5] not recall really.
 [6] Q. Who is the next doctor you saw [7] after your first visit to Dr. Spinner?
 [8] A. I saw Dr. Spinner after that.
 [9] I did not see any doctor for a [10] while, because I did not have any real [11] complaint of any sort with my hand.
 [12] Q. How long a period of time did [13] you go without a new complaint for your [14] left hand?
 [15] A. To my best recollection, I saw [16] Dr. Spinner the last time in '88, and [17] after that, the next doctor I recall I saw [18] was Dr. Strauch in February, I believe of [19] 1991.
 [20] Q. How many times did you see [21] Dr. Spinner?
 [22] A. I do not recall.
 [23] Q. Do you recall any other [24] discussions with Dr. Spinner about how [25] were you doing?

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[2] A. No.
 [3] Q. Do you recall any discussions [4] with Dr. Spinner about Dr. Kaplan's EMG at [5] any of the visits?
 [6] A. No.
 [7] Q. Did you ask Dr. Spinner any [8] questions about how you were doing?
 [9] A. The only thing that he said [10] before when I asked him what is the [11] prognosis here, "You will be okay in the [12] future." [13] That's the only thing that I [14] recall.
 [15] Q. Other than physical therapy, did [16] he prescribe any other treatment during [17] any of these visits?
 [18] A. Not that I recall.
 [19] Q. Who paid for Dr. Spinner's bill?
 [20] A. 1199.
 [21] Q. As of the last time you saw [22] Dr. Spinner, what sort of symptoms were [23] you having?
 [24] A. Just follow-up.
 [25] Q. What sort of symptoms were you

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[2] having as of your last visit with [3] Dr. Spinner?
 [4] A. I do not recall.
 [5] Q. How long a period of time were [6] you out of work?
 [7] A. I do not understand the [8] question.
 [9] Q. You had an injury in September [10] of '87?

[11] A. Yes.
 [12] Q. Did you miss any work as a [13] result of that injury?
 [14] A. To the best of my knowledge, [15] no.
 [16] Q. Following your operation in [17] September of '87, did you have any [18] difficulties doing your job?
 [19] A. In the beginning I did, because [20] my hand was with a cast - with a cast or [21] a bandage, or something like that, and [22] obviously I had some pain.
 [23] So I had some difficulties for [24] the first year or so.
 [25] I don't really recall the

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[2] timing.
 [3] Q. Did your job duties change at [4] all during that year?
 [5] A. No.
 [6] Q. Did you have any assistants [7] helping you during that year?
 [8] A. No. Put it this way, the [9] problem was not so severe that I need to [10] have any help.
 [11] Q. What sort of problems were you [12] having during that first year?
 [13] A. I do not recall, as I said [14] before.
 [15] Q. You mentioned that you had pain.
 [16] Where did you have the pain [17] during the first year?
 [18] A. My wrist.
 [19] Q. Is that your left wrist?
 [20] A. Yes.
 [21] Q. Anywhere else?
 [22] A. And my muscles.
 [23] Q. On the bicep?
 [24] A. Yes, on the bicep.
 [25] Q. Any other symptoms at all in

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[2] your left upper extremity?
 [3] A. Not that I recall.
 [4] Q. Were you having any difficulty [5] moving your fingers or your hand?
 [6] A. Maybe after surgery, but I do [7] not recall.
 [8] Q. How long after surgery?
 [9] A. I do not recall.
 [10] Q. Any difficulties with sensation [11] in your hand, in your wrist, your hand, [12] your fingers?
 [13] A. Only fingers 1, 2 and 3.
 [14] Q. What difficulties did you have [15] with sensation with fingers 1, 2 and 3?
 [16] A. It was very light.
 [17] Q. When you say very light, what do [18] you mean?
 [19] A. I mean I can feel it, but I [20] could tell that it's not as good as if you [21] touch me in other places.
 [22] MR. DINHOFFER: You mean like [23] dull, it wasn't as sharp when you were [24] touched?
 [25] THE WITNESS: Right, but I could

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[2] tell what an object is and I could handle [3] the stuff.
 [4] Q. Did you talk to any doctors [5] about the difficulty with sensation?
 [6] A. Dr. Strauch in 1991.
 [7] Q. Prior to Dr. Strauch, did you [8] talk to any doctors?
 [9] A. I think I spoke to [10] Dr. Goldstein, I think, I'm not sure, and [11] Dr. Spinner.
 [12] Q. What did Dr. Goldstein tell you?
 [13] A. With time, it will be fine.
 [14] Q. What about Dr. Spinner?

[15] A. The same.
 [16] Q. Did they tell you how long it [17] would take?
 [18] A. No. Not that I remember, no. I [19] don't remember that.
 [20] Q. From the last time that you saw [21] Dr. Spinner, up until the first time you [22] saw Dr. Strauch, did the sensation problem [23] in your hand or your wrist change at all?
 [24] A. I had improvement. I did not [25] complain.

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[2] Q. How would you describe the [3] improvement?
 [4] A. I could do my job more easily.
 [5] Q. Did the sensation problem that [6] you were having interfere with doing your [7] job?
 [8] A. I do not understand the [9] question.
 [10] Q. Okay. If I understood you [11] correctly, you had two different problems, [12] one, there was some pain, and two, there [13] was some diminished sensation [14] post-operatively.
 [15] What I'm asking is, did the [16] diminished sensation make your job any [17] more difficult?
 [18] A. I did all of my jobs and all of [19] my requirements, and I did not - I did [20] not - put it this way - let me just [21] think about it.
 [22] Q. Sure.
 [23] A. The sensation did not affect my [24] job fully.
 [25] It took me a little bit longer

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[2] to do my job, a few minutes longer, and [3] that was all.
 [4] Q. Are you right-handed or [5] left-handed?
 [6] A. I work with both hands.
 [7] Q. Ambidextrous?
 [8] A. On my job, yes.
 [9] Q. What about other than your job?
 [10] A. It depends. Sometimes I use my [11] left, and sometimes I use my right.
 [12] Q. In what circumstances would you [13] use your right hand?
 [14] A. When I write.
 [15] Q. Writing?
 [16] A. Yes.
 [17] Q. Anything else?
 [18] A. This is the only thing that I [19] can say, that I only do with my right [20] hand.
 [21] Q. Is there anything else that you [22] do only with your right hand?
 [23] A. Operating a video camera, doing [24] everything. Working or playing on the [25] guitar.

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[2] Q. You play the guitar?
 [3] A. I used to.
 [4] Q. When did you used to play [5] guitar?
 [6] A. 1973.
 [7] Q. When did you give up playing [8] guitar?
 [9] A. After 1991.
 [10] Q. When you say after '91, was [11] there an event -
 [12] A. What?
 [13] Q. Why in 1991 did you give up [14] guitar?
 [15] A. I couldn't use my hands any [16] more.
 [17] Q. When in 1991 did that happen?
 [18] A. Put it this way specifically, [19] the beginning of 1992.
 [20] Q. Beginning of 1992?
 [21] A. Yes, after I had the cast [22] removed

from my hand and I tried it and I [23] couldn't do it.

[24] Q. After your surgery?

[25] A. Yes.

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[2] Q. Other than the fact that it took [3] a few minutes longer, did the diminished [4] sensation cause you any difficulty on the [5] job?

[6] A. Put it this way, every time when [7] you have some problem, you will not do the [8] thing the same way you do it without the [9] problem.

[10] So I cannot give you specific [11] detail what happened. I do not recall. [12] It was a long time ago.

[13] Q. Were you able to adjust your job [14] duties for the sensation so that you could [15] still do them?

[16] A. As I said before, the problem [17] was not severe enough to cause me -

[18] Q. Any problems on the job?

[19] A. Yes - to ask for help.

[20] Q. You also complained of having [21] pain in your hand.

[22] Did that impair your job in any [23] way?

[24] A. The pain was being controlled by [25] over-the-counter medication.

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[2] Q. And that over-the-counter [3] medication was Tylenol?

[4] A. Yes.

[5] Q. How much Tylenol did you take?

[6] A. I do not recall.

[7] Q. How often did you take it?

[8] A. I do not recall.

[9] Q. What brought you to see [10] Dr. Strauch for the first time?

[11] MR. DINHOFFER: It's almost [12] 12:30, are we going to break for lunch?

[13] MR. BURFORD: Whatever you would [14] like.

[15] (Luncheon taken at 12:25 p.m.)

[17] ***

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[2] AFTERNOON SESSION

[3] 1:10 p.m. [4] RONIGILADI, resumed.

[5] MR. BURFORD: Read back my last [6] question.

[7] (Read back.)

[8] CONTINUED EXAMINATION

[9] BY MR. BURFORD:

[10] Q. What brought you to see [11] Dr. Strauch for the first time?

[12] A. After prolonged working, I had [13] pain in my fingers 1, 2 and 3, in my left [14] hand.

[15] Q. When you say prolonged working, [16] how long are we talking about?

[17] A. Five or six hours.

[18] Q. What sort of work are you [19] referring to?

[20] A. The same work that I used to do [21] all of the time.

[22] Q. What is that?

[23] A. Video production.

[24] Q. With respect to your hands, what [25] specifically did you do with your hands in

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[2] video production?

[3] A. Operating the equipment.

[4] Q. What sort of equipment were you [5] operating?

[6] A. Editing, camera, running wires, [7] setting up equipment, lifting, moving [8] stuff, everything.

[9] Q. Before five to six hours were [10] you

having any problems with your hands?

[11] A. I started with no complaint, and [12] through the day it increased, the pain, on [13] account of the work that I did.

[14] Q. Was there a particular type of [15] work that you did that seemed to bring the [16] pain on quicker?

[17] A. I do not recall.

[18] Q. Did the pain in your hands [19] seemed to be affected by weather at all?

[20] A. Maybe, I do not recall.

[21] Q. Was there anything you did or [22] didn't do, other than work, that in your [23] mind seemed to affect whether you had pain [24] in your hands?

[25] A. I woke up with numbness in the

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[2] fingers.

[3] Q. Is it the numbness in your [4] fingers that woke you up?

[5] A. No, when I was waking up, I feel [6] that I have numbness in my fingers.

[7] Q. So if something else woke you [8] up, you would notice it?

[9] A. Yes.

[10] Again, I did not understand the [11] question I'm sorry.

[12] Q. If I understood you correctly, [13] you referred to waking up in the night [14] with numbness in your fingers.

[15] So my question is, what is it [16] that woke you up in the night when you [17] noticed the numbness in your fingers?

[18] A. I had to go to the bathroom.

[19] MR. DINHOFFER: Things other than [20] the numbness itself is what he wants to be [21] clear about.

[22] MR. BURFORD: Right.

[23] Q. How long had you been [24] experiencing numbness in your fingers?

[25] A. I cannot give you a specific

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[2] time.

[3] Q. Did you experience it at all [4] before the accident with the knife?

[5] A. No.

[6] Q. Did you experience it constantly [7] since the accident with the knife, up [8] until the time you saw Dr. Strauch?

[9] A. This kind of pain is different [10] than what I had after the injury.

[11] Q. Sometime between the injury with [12] the knife and seeing Dr. Strauch, the pain [13] in your hand changed?

[14] A. I don't understand the question.

[15] Q. From the time of the injury with [16] the knife until the first time you saw [17] Dr. Strauch, did the pain in your hand [18] change at all?

[19] A. Seeing Dr. Strauch was in my [20] opinion for a different kind of complaint [21] than I had before.

[22] Q. What new complaint, or what [23] different complaint did you have?

[24] A. As I said, after prolonged [25] working, I had numbness in the fingers 1,

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[2] 2 and 3.

[3] Q. From the time of the accident [4] with the knife, or the injury with the [5] knife, up until the time you saw [6] Dr. Strauch, were you experiencing pain in [7] your hand or wrist?

[8] A. As I said, after surgery I had [9] pain in my wrist and in my upper hand area [10] of the muscles at the top of my hand.

[11] It disappeared after a while.

[12] Q. The part by your bicep?

[13] A. Yes, and I had still some pain [14] with my wrist, but that disappeared, too.

[15] And I did not see any doctor as [16] I said before for a while.

[17] Q. When was your hand and your [18] wrist symptom free?

[19] A. How can I tell you? When you [20] talk symptom free -

[21] Q. In other words, no pain, no [22] numbness, no problems?

[23] A. I cannot tell you that I never [24] had pain, because you work over there and [25] you get tired.

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[2] So here I did not have anything.

[3] Q. I'm not asking about your bicep, [4] I'm talking about your wrist or hand?

[5] A. As I said, for a while, for [6] almost a year, something like that, I did [7] not complain about my wrist a year or so.

[8] I did not complain about my [9] wrist or anything else.

[10] Q. When you said you didn't [11] complain, is that because you didn't have [12] any complaints or that you did not bring [13] them to anybody's attention?

[14] A. I did not feel that I have a [15] problem that I should discuss with [16] anybody.

[17] Q. Do you remember what year that [18] was, or for what period of time that was?

[19] A. As I said, a year or so before I [20] saw Dr. Strauch.

[21] Q. The year or so immediately [22] preceding Dr. Strauch?

[23] A. I'm going back from Dr. Strauch, [24] back more than a year.

[25] I said a year or so, so more

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[2] than a year.

[3] I said it five times.

[4] MR. DINHOFFER: You have given [5] your best estimate, that's all.

[6] Q. When did you start having [7] problems with your hand after working five [8] or six hours?

[9] A. I cannot recall.

[10] Q. When you saw Dr. Strauch, did [11] you have any other complaints other than [12] the difficulty you mentioned after working [13] five or six hours?

[14] A. I told him that I have weakness, [15] which he told me later on that I do not [16] have weakness, and the weakness is because [17] I have pain and I cannot function with my [18] hand.

[19] Q. Other than pain causing [20] weakness, did you have any other problems [21] that brought you to Dr. Strauch?

[22] A. I said I have numbness when I [23] wake up.

[24] Q. Okay, numbness. Who referred [25] you to Dr. Strauch?

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[2] A. One of the doctors that I was [3] working with.

[4] Q. When you say one of the doctors [5] you were working with, in a video sense?

[6] A. Yes.

[7] Q. What happened the first time you [8] saw Dr. Strauch?

[9] A. He told me to have an EMG.

[10] Q. Did he examine you?

[11] A. Yes.

[12] Q. What did his examination consist [13]

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of?

[14] A. My fingers, my wrist.

[15] Q. Your fingers and your wrist?

[16] A. All the area of the hands here.

[17] Q. The wrist and hand?

[18] A. Yes.

[19] Q. How did he examine your wrist?

[20] A. He made some movement of my [21] hand, I think up and down, and I think it [22] was, to my best recollection, he was [23] trying to find strength, if I have [24] strength or not and sensation.

[25] Q. Now, when you say he moved your

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[2] hand up and down, you mean bending your [3] wrist?

[4] A. Yes.

[5] Q. So that the hand is going up and [6] down?

[7] A. At that time, correct.

[8] Q. Did you notice anything [9] different about your hand or your wrist [10] when it was being bent up or down?

[11] A. Not really.

[12] Q. When you say not really, did you [13] notice anything different at all?

[14] A. I do not recall.

[15] Q. How did he examine your fingers?

[16] A. I really don't recall.

[17] Q. Did he use any equipment during [18] this examination?

[19] A. I do not recall.

[20] Q. Other than moving your wrist up [21] and down, do you recall if he moved any [22] other part of your body at all?

[23] A. To my best recollection, no.

[24] Q. Did he tell you why he was [25] referring you for an EMG?

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[2] A. He told me that he believed that [3] I developed carpal tunnel syndrome in my [4] wrist.

[5] Q. Did he tell you what carpal [6] tunnel syndrome was?

[7] A. No.

[8] Q. Had you ever heard the term [9] before?

[10] A. I work in a hospital, so I did [11] hear about it.

[12] Q. Other than hearing it generally [13] in the hospital, had you ever heard the [14] words carpal tunnel syndrome with respect [15] to yourself?

[16] A. I had one conversation with [17] Dr. Kaplan one time, that he told me the [18] same thing.

[19] Q. Dr. Kaplan?

[20] A. Yes.

[21] Q. Which wrist did Dr. Kaplan say [22] that you had carpal tunnel syndrome in?

[23] A. He told me both.

[24] Q. Both wrists?

[25] A. Yes.

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[2] Q. Did Dr. Kaplan tell you what had [3] caused the carpal tunnel syndrome?

[4] A. He did not say what, no.

[5] Q. Before you saw Dr. Strauch, did [6] you have an understanding of what carpal [7] tunnel syndrome was?

[8] A. No.

[9] Q. Did you have any understanding [10] of what it was?

[11] A. The only thing I know, it's [12] something that you wake up in the morning [13] and you have numbness.

[14] That's one of the signs of [15] carpal tunnel syndrome.

[16] Q. Are there any other signs of [17] carpal tunnel syndrome that you are aware [18] of?

[19] A. At the time, no.

[20] Q. Before you saw Dr. Strauch, had [21] you done any research into carpal tunnel [22] syndrome, read any articles or books or [23] things like that?

[24] A. No.

[25] Q. Had you asked any of the people,

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[2] any of the doctors at the hospital what [3] carpal tunnel syndrome was, other than [4] Dr. Kaplan?

[5] A. I was not so concerned because I [6] did not have something that really made me [7] very concerned, I did not have real [8] symptoms of the carpal tunnel disease.

[9] I woke up once or twice or three [10] times through a period of time that I had [11] numbness.

[12] In that period of time, I [13] believed that I was sleeping incorrectly.

[14] Q. You only had numbness two to [15] three times before you saw Dr. Strauch?

[16] A. I just gave you an example. I [17] said every time I wake up and I had the [18] numbness, I believed that I slept [19] incorrectly that caused the numbness.

[20] Q. Did you wake up every morning [21] with some form of numbness?

[22] A. What?

[23] Q. Did you have this every time you [24] woke up?

[25] A. I said it happened to me only a

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[2] few times. I cannot tell you exactly how [3] many times.

[4] Q. Do you recall the sum and [5] substance of any discussions that you had [6] with Dr. Strauch during this first visit?

[7] A. The only discussion that I had [8] with him, that he is going to send me for [9] an EMG.

[10] Q. What does Dr. Strauch look like?

[11] A. Look like?

[12] Q. Yes, what does he look like?

[13] A. I didn't see him for a long [14] time.

[15] He is tall, like 5'11", 5'10", [16] my height, almost.

[17] I believe he doesn't have full [18] hair.

[19] Built very full, he is a full [20] person. He is not skinny.

[21] That's it.

[22] Q. How long were you with [23] Dr. Strauch during the first visit?

[24] A. I do not recall. No, I do not [25] recall.

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[2] Q. Did anyone accompany you to [3] Dr. Strauch's office the first time?

[4] A. I was by myself with him, to my [5] best recollection.

[6] Q. Was anyone in the room with you [7] during any discussions with Dr. Strauch, [8] other than yourself and Dr. Strauch?

[9] MR. DINHOFFER: On the first [10] visit?

[11] Q. In other words, on the first [12] visit, who was present in the office [13] besides yourself and Dr. Strauch?

[14] A. As I said, to my best [15] recollection only Dr. Strauch and myself [16] was in the room.

[17] Q. Did you go for the EMG?

[18] A. Yes, I did.

[19] Q. Who did you see for the EMG?

[20] A. Dr. Burke.

[21] Q. B-u-r-k-e?

[22] A. Yes, I believe so.

[23] It's Dr. Strauch's friend.

[24] Q. This was an Einstein?

[25] A. Montefiore.

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[2] Q. And when did you go for the EMG [3] with Dr. Burke?

[4] A. I think the first week or the [5] second week of March of 1991.

[6] Q. Did you have any discussions [7] with Dr. Burke before the EMG was done?

[8] A. He just told me about the EMG, [9] how he is going to do the EMG test.

[10] Q. What did he tell you?

[11] A. It's going to be needles and [12] some electric shock.

[13] Q. Did he tell you where the [14] needles would be?

[15] A. In my hand.

[16] Q. Any other discussion with [17] Dr. Burke before the test was done?

[18] A. About payment.

[19] Q. What did he say about payment?

[20] A. He is going to accept insurance.

[21] Q. They do not accept insurance?

[22] A. He is going to accept insurance.

[23] Q. Accept the insurance?

[24] A. Yes.

[25] Q. Is that the 1199 insurance?

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[2] A. Yes.

[3] Q. Any discussions with Dr. Burke [4] during the test?

[5] A. No, Dr. Burke did not do the [6] test.

[7] Q. Who did the test?

[8] A. His assistant.

[9] Q. Any discussions with his [10] assistant during the test?

[11] A. I do not recall.

[12] Q. Did Dr. Burke or his assistant [13] tell you the results of the test?

[14] A. Dr. Strauch told me the [15] results.

[16] Q. Did Dr. Burke have any [17] discussion with you about the results?

[18] A. To my best recollection, after [19] the examination I did not have any [20] discussion with him.

[21] Q. When did you see Dr. Strauch for [22] the first time after the EMG?

[23] A. I do not recall, but sometime I [24] think in - I do not recall.

[25] Q. This would be your second visit

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[2] with Dr. Strauch, right?

[3] A. Yes, I believe so.

[4] Q. In between the first and second [5] visits with Dr. Strauch, did you have any [6] contact with him?

[7] A. He told me that there is nothing [8] he can do until he finds out what the [9] results were.

[10] Q. But did you have any contact [11] with him in between the first and second [12] visit?

[13] A. I really do not recall.

[14] Q. What happened during the second [15] visit?

[16] A. He told me that I have bilateral [17] carpal tunnel and bilateral ulnar nerve [18] entrapment.

[19] Q. Did he tell you anything else [20] about your condition?

[21] A. No, he told me he would like to [22] do some testing to see if there is relief [23] of the carpal tunnel syndrome.

[24] And I believe, I do not know if [25] it was the same visit or the visit after

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[2] that, he gave me injection in my wrist.
 [3] Q. During this second visit with [4] Dr. Strauch, did he tell you what carpal [5] tunnel syndrome was?
 [6] A. He told me that this is a common [7] problem, is the only thing he told me.
 [8] Q. Did he tell you what had caused [9] the carpal tunnel?
 [10] A. No.
 [11] Q. Did you ask him what caused it?
 [12] A. I do not remember.
 [13] Q. In between the first -
 [14] A. I'm sorry, correction, I did ask [15] him I believe, if this is caused from my [16] job, and he did not respond.
 [17] He did not say anything about [18] that.
 [19] Q. In between the first and second [20] visit with Dr. Strauch, did the symptoms [21] in your hand hand change at all?
 [22] A. No.
 [23] Q. What about your left wrist?
 [24] A. Left wrist?
 [25] Q. Yes, did it change at all

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[2] between the first and second visit?
 [3] A. No.
 [4] Q. Were you still having any [5] problems on the right?
 [6] A. No.
 [7] Q. Did you ask Dr. Strauch why the [8] carpal tunnel was bilateral?
 [9] A. As I said, I asked him if it [10] relates to my job, the kind of work I do, [11] and he did not respond.
 [12] Q. Did you ask him how come you [13] have it on the right-hand side?
 [14] A. He did not respond to my [15] questions.
 [16] Q. Other than that question and [17] answer?
 [18] A. I saw that he is not responding, [19] so I find out myself it's nothing to ask.
 [20] Q. What did you find out yourself?
 [21] A. I didn't do an investigation [22] because I trust him as my doctor.
 [23] If he doesn't respond, I believe [24] there is nothing to worry, so I did not [25] ask.

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[2] Q. What sort of symptoms were you [3] having on the right-hand side?
 [4] A. Nothing.
 [5] Q. No problems with your hands or [6] wrist, your right arm at all?
 [7] A. No, I was not having pain or [8] anything on my right.
 [9] So he found that EMG was -
 [10] Q. He what an EMG?
 [11] A. He find the results, carpal [12] tunnel, on the EMG, but I did not have any [13] symptoms of the problem.
 [14] Q. Any other discussions that you [15] can recall with Dr. Strauch during the [16] second visit?
 [17] A. As I said, he would like to do [18] some release, and if the relief will be [19] positive, I need to go for carpal tunnel [20] syndrome surgery.
 [21] Q. Any other discussions with [22] Dr. Strauch during that visit?
 [23] A. That's what I recall.
 [24] Q. Did anyone accompany you to [25] Dr. Strauch's office at that time?

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[2] A. Not that I remember.
 [3] Q. Was anyone present for any [4] discussion between you and Dr. Strauch at [5] that time?
 [6] A. As I said, most of my visits [7] with Dr. Strauch I was with him alone in a [8] room.
 [9] Q. Other than yourself, do you know [10] if anyone else had any discussions with [11] any of your doctors so far on your behalf?
 [12] A. Joel Engle - E-n-g-l-e.
 [13] MR. DINHOFFER: That's not the [14] question he is asking.
 [15] Repeat the question, please.
 [16] Q. Up until this time, up through [17] your second visit with Dr. Strauch, are [18] you aware of anyone else having any [19] discussions with any of your doctors on [20] your behalf?
 [21] A. I was not aware. I didn't know.
 [22] Q. Who is the next doctor that you [23] saw?
 [24] A. I did not see anybody except [25] Dr. Strauch for this period of time.

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[2] To my best recollection, I do [3] not remember seeing any other doctors.
 [4] Q. Did you have another office [5] visit with Dr. Strauch?
 [6] A. Yes.
 [7] Q. This would be your third visit?
 [8] A. Yes.
 [9] Q. What happened during the third [10] visit?
 [11] A. As I said before, I do not [12] remember the second visit or the third [13] visit.
 [14] He gave me steroid injections in [15] my wrist.
 [16] Q. Which wrist is that?
 [17] A. The left wrist.
 [18] Q. What did Dr. Strauch tell you [19] about the steroid injections?
 [20] A. He told me if the injection will [21] result in positive, so I have to go for a [22] carpal tunnel release.
 [23] Q. When you say if it was positive, [24] in other words, if the injection helped?
 [25] A. Yes.

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[2] Q. Where in your wrist did he do [3] the injection?
 [4] A. In the area of the carpal [5] tunnel.
 [6] Q. Which is where?
 [7] A. The area of the carpal tunnel.
 [8] Q. So it's the palm side of your [9] wrist?
 [10] A. Yes.
 [11] Q. About how far down from -
 [12] A. I do not recall.
 [13] I did not look at him when he is [14] doing this.
 [15] Q. Did anyone accompany you to [16] Dr. Strauch's office for this visit?
 [17] A. I think to my best recollection [18] the nurse came to help and to do the [19] injection.
 [20] That's the only thing that I [21] recall, but not for the conversation.
 [22] Q. So there was no one else present [23] for any other part?
 [24] A. No.
 [25] Q. Did you have any discussions

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[2] with Dr. Strauch about what the steroid [3] injections were going to do?
 [4] A. I asked him for what purpose he [5] has the injection.
 [6] He told me to see if I got [7] relief, and if

yes, and if it's positive, [8] I have to go for surgery.

[9] Q. And how long did he tell you to [10] wait to see if there was relief?
 [11] A. He made an appointment for the [12] next visit. He told me how I feel.
 [13] Q. Do you remember any other [14] conversations with Dr. Strauch during this [15] third visit other than what you just told [16] me?
 [17] A. No.
 [18] Q. Was there any change in your [19] symptoms on the left between the second [20] and third visit?
 [21] A. I do not think so.
 [22] Q. Were you having any problems on [23] the right between the second and third [24] visit?
 [25] A. I did not have any problem on my

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[2] right.
 [3] Q. Who is the next doctor that you [4] saw?
 [5] A. I'm still seeing Dr. Strauch.
 [6] Q. This would be your fourth visit [7] with Dr. Strauch?
 [8] A. Yes.
 [9] Q. What occurred during your fourth [10] visit?
 [11] A. He asked me about the results [12] and what I felt.
 [13] Q. What did you tell him?
 [14] A. That I got some relief.
 [15] Q. How did you describe the relief [16] to him?
 [17] A. I told him that I can work [18] without the pain occurring.
 [19] Q. Did you experience pain at all [20] during work?
 [21] A. Yes, but not the way with the [22] relief. I said I had some relief from the [23] pain.
 [24] Q. How would you describe the [25] amount of relief that you had?

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[2] A. I can't - I do not understand [3] the question.
 [4] Q. If you were going to describe [5] how much relief you had from the [6] injection, how would you describe it?
 [7] A. That I can work for another hour [8] or two - or another hour or hour and a [9] half without the pain.
 [10] I cannot really estimate a [11] specific description.
 [12] Q. After that hour to an hour and a [13] half, would the pain be the same as it was [14] before?
 [15] A. No, it was minor.
 [16] Q. So that even after the hour and [17] a half, the pain was less?
 [18] A. Yes, that's why he decided I [19] should go for surgery.
 [20] Q. When the pain did come, was it [21] at a different location?
 [22] A. No.
 [23] Q. How did it feel differently when [24] the pain would arrive?
 [25] A. It was minor.

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[2] Q. Other than being minor -
 [3] A. The same thing.
 [4] Q. When the pain arrived after an [5] hour and a half or so -
 [6] A. I don't say after an hour and a [7] half.
 [8] Q. After an hour and a half longer [9] than before; is that correct?

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[10] A. Yes.

[11] Q. When the pain arrived at that [12] point, did it interfere with your work at [13] all?

[14] A. As I said, I always did my work.

[15] The quality of my work was never [16] changed.

[17] Q. The what of your work?

[18] A. The quality of my work was never [19] changed until 1992, just as I said before.

[20] It took a little bit longer and [21] I had to take a little bit more breaks or [22] something like that.

[23] After the injection, for a small [24] period of time - even if I would like to [25] remember, I cannot remember between the

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[2] time and visiting him.

[3] It was such a short period of [4] time, I really cannot give you the full [5] information.

[6] Q. After the injections, but before [7] the surgery, what kind of difficulty, if [8] any, did you have doing your job?

[9] A. I had to rest.

[10] Q. How often did you have to rest?

[11] A. To get the pain a little bit [12] relieved.

[13] Q. How long would that take?

[14] A. It depends. Depends on the kind [15] of work that I do.

[16] Q. Why don't you give me examples [17] of the sort of work you do and how long [18] you have to rest before the pain would go [19] away?

[20] A. If I did editing, a few [21] minutes. Some very small period of time.

[22] If I did heavy lifting or things [23] like that, it took longer.

[24] Q. When you say longer, are you [25] able to estimate how long it took?

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[2] A. I never looked at the o'clock. [3] I can't tell you how long it took.

[4] Q. What about just working with the [5] camera?

[6] A. With the camera?

[7] Q. Yes.

[8] A. Well, most of my work really was [9] setting up equipment and stuff like that.

[10] The camera I had, but when you [11] work with two cameras, you would [12] alternately work with two hands, so I [13] could operate with my right when my left [14] was resting.

[15] So that was different.

[16] Q. Was there any other discussion [17] with Dr. Strauch during the fourth visit, [18] other than what you just told me?

[19] A. That I have to go to surgery.

[20] Q. Did he describe the surgery to [21] you?

[22] A. He told me that I need to go for [23] surgery on my wrist to have carpal tunnel [24] syndrome release.

[25] Q. And this is your left wrist?

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[2] A. Yes.

[3] Q. Through the time of your fourth [4] visit with Dr. Strauch, were you having [5] any problems on the right?

[6] A. No.

[7] Q. Did he describe how the surgery [8] would be performed?

[9] A. The only thing he told me, and [10] we had at that time, we had some - again, [11] you told me fourth visit, second visit, [12] third visit, I can't tell you if it's the [13] fourth, the second, the fifth or the [14] third.

[15] I can tell you what happened [16] through

the visits with him.

[17] If you tell me third visit, it [18] can be the fourth or the fifth.

[19] I can't tell you exactly what [20] visit what happened.

[21] Q. Okay. During the visit where [22] you discussed the relief that you had from [23] the injection, and Dr. Strauch advised [24] that you needed surgery, did he describe [25] the surgery to you?

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[2] A. At that time, he told me that [3] due to the fact that - no sorry.

[4] He told me that I have to think [5] about if I want to go for surgery or not.

[6] If I will think positively, I [7] should inform him.

[8] Q. Did he describe the surgery to [9] you?

[10] A. Not at that time, he did not [11] describe anything to me.

[12] Q. Did he describe any alternatives [13] to surgery for you?

[14] A. No.

[15] Q. Did you ask him any questions?

[16] A. I asked him is this the only [17] thing that you have to do, and he said [18] yes.

[19] Q. Did he describe any risks of the [20] operation to you?

[21] A. At this specific time, he told [22] me you have to think about it first.

[23] He did not say anything yet.

[24] I had to leave his office and [25] come back to him with a decision if I'm

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[2] going for surgery or not.

[3] Q. Was there any other discussion [4] during this office visit, other than what [5] you have already told me?

[6] A. I do not recall.

[7] As I said before, what happened [8] on each visit I cannot recall.

[9] I'm telling you the overall [10] picture.

[11] Q. I just want to make sure that I [12] haven't missed any discussions so far.

[13] A. As I said before, you pointing [14] me to specific visits, and I cannot tell [15] you guaranteed which visit happened what.

[16] I know that we had talked here [17] and talked there, through the period of [18] time from the first time I saw him up [19] until the time I had surgery.

[20] What happened through each [21] visit, I cannot tell you exactly what [22] happened in each one of them.

[23] Q. Okay. Did he describe the [24] benefits of surgery to you?

[25] A. When I went to surgery, the only

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[2] thing I knew, that the surgery is very [3] simple and in three weeks he will remove [4] the cast and I can function without any [5] problem.

[6] Q. Is that what Dr. Strauch told [7] you, or was that your own understanding?

[8] A. No, this is what he told me [9] because I asked him twice - I'm sorry - [10] I asked him if the surgery will relieve [11] it, and he said, "Yes, in three weeks you [12] will be functioning with to problem." [13] That's the only thing he said to [14] me, and with this understanding I agreed [15] to the surgery.

[16] That is what I can remember.

[17] Q. Did you have another visit with [18] him before the operation took place?

[19] A. Yes.

[20] Q. And where was that, in his [21] office?

[22] A. Yes.

[23] Just to make a statement here, I [24] do not recall when he told me about the [25] ulnar nerve surgery.

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[2] He also mentioned to me that [3] when he is going already to do the surgery [4] on my wrist, he would like to do the [5] surgery on my elbow.

[6] Q. Had you been having trouble with [7] your elbow?

[8] A. No.

[9] Q. Did you ask Dr. Strauch why he [10] wanted to operate on your elbow?

[11] A. He told me, you already are [12] going for surgery, and to prevent future [13] problem, you should do the surgery now.

[14] Q. As far as you knew, had the EMG [15] revealed any problems on your elbow?

[16] A. Because of the EMG and the ulnar [17] nerve, he told me he would like to do [18] that, the entrapment of the nerve.

[19] Q. That is entrapment of the ulnar [20] nerve?

[21] A. Yes.

[22] Q. Did you have any other [23] discussions with Dr. Strauch before the [24] surgery took place?

[25] A. Yes, I refused to go for the

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[2] anesthesia.

[3] Q. And why was that?

[4] A. Why?

[5] Q. Yes.

[6] A. Because I wanted to have it [7] local.

[8] Q. Why did you prefer local?

[9] A. Because from my experience with [10] the first one.

[11] Q. What experience did you have [12] with the first one?

[13] A. Vomiting and feeling [14] uncomfortable for a few hours.

[15] Q. What did Dr. Strauch say?

[16] A. He told me that due to the fact [17] that the surgery was too long, I'm not [18] going to be able to handle local [19] anesthesia, and I should go for general.

[20] Q. Was there any other discussion [21] about anesthesia?

[22] A. He just told me who is going to [23] do the anesthesia.

[24] Q. Did you have general anesthesia?

[25] A. Yes.

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[2] Q. Before having the surgery done [3] by Dr. Strauch, did you have any [4] understanding of the risks of the surgery [5] in general?

[6] A. As I said, if I knew what I know [7] today, I would not go for the surgery.

[8] Q. What do you know today about [9] surgery in general?

[10] I'm asking not this specific [11] surgery, just surgery in general?

[12] A. What I know today?

[13] Q. Yes.

[14] A. I feel it.

[15] Q. What do you feel today?

[16] A. Pain.

[17] Q. I don't think you understood my [18] question.

[19] A. I don't think so either.

[20] Q. Before you had the surgery done [21] by Dr. Strauch, did you have any [22] understanding whatsoever in general terms [23] of surgery being risky?

[24] A. The only thing I knew from what [25] he

told me, that this surgery is

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[2] pain-free, and I will be fine after three [3] weeks, and I can operate with no problem.
 [4] Q. I'm not talking about this [5] surgery specifically.
 [6] I'm talking about your general [7] knowledge.
 [8] A. I do not -
 [9] Q. Was it your understanding prior [10] to Dr. Strauch's surgery, that surgery in [11] general was risk-free?
 [12] A. Depends - again, each surgery [13] is different surgery.
 [14] In my case, I had hand surgery. [15] This is why I asked my doctor the question [16] that I asked, and he gave me the answer he [17] gave me.
 [18] So I go and trust my doctor, and [19] I went with the belief to believe him.
 [20] And the way he told me, that's [21] why I went for the surgery.
 [22] Q. I am talking about surgery in [23] general.
 [24] A. I said each surgery has their [25] own problems.

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[2] Q. What problems were you aware of [3] in any type of surgery before [4] Dr. Strauch's surgery?
 [5] A. What kind of problems?
 [6] Q. What kind of problems could you [7] have with surgery in general?
 [8] A. As I said, you asked me [9] specific -
 [10] Q. I'm not asking about a specific [11] type of surgery and Dr. Strauch's type of [12] surgery specifically.
 [13] I'm asking your general [14] knowledge of surgery before this [15] operation.
 [16] A. Usually surgery helps the [17] patient.
 [18] Q. When you say usually helps the [19] patient, did you understand before [20] December of 1991, that sometimes surgery [21] doesn't come out the way it's planned?
 [22] A. From the best of my knowledge of [23] people I work with, usually the cases were [24] successful.
 [25] So I did not have this kind of

Page 156

[2] understanding.
 [3] Q. When you say usually successful, [4] did you have any feelings that sometimes [5] surgery is not successful?
 [6] A. As I said, I worked with [7] doctors, and most of the time when I talk [8] to them about the surgery, they tell me [9] how the surgery was successful and how the [10] patient is doing very well.
 [11] So this is my full understanding [12] about surgery.
 [13] Q. Was it then your understanding [14] that surgery always came out fine?
 [15] A. From my experience, yes.
 [16] Q. Was it your understanding prior [17] to being operated on by Dr. Strauch, that [18] in general there were no risks to the [19] patient from undergoing surgery?
 [20] A. This is why you ask the doctor [21] specific for any case, and the doctor has [22] to respond yes or no.
 [23] Q. I'm not talking about a specific [24] case.
 [25] Were you familiar with any risks

Page 157

[2] attached to any kind of surgery?
 [3] A. I explained to you before, and I [4] will

repeat my answer.

[5] Through my experience in working [6] with doctors, when I videotaped a case, [7] meaning surgery, they always discuss the [8] fact how the surgery did very well.
 [9] The only times they talk about [10] the case did not succeed, when they did a [11] tumor that the tumor was not removed [12] totally because complications of the [13] location of the tumor.
 [14] Those are the only things I ever [15] know about.
 [16] Maybe the doctor cannot remove [17] all of the tumor from the patient or [18] something like that.
 [19] That's the only thing I know. [20] This was -
 [21] Q. Okay. Is it then fair to assume [22] that before Dr. Strauch's surgery, that [23] you were aware of the fact that operations [24] in general sometimes have complications?
 [25] MR. DINHOFFER: Objection to the

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[2] form of the question.
 [3] Q. Before Dr. Strauch's surgery, [4] were you aware of the fact that surgery in [5] general sometimes has complications?
 [6] A. No, we assume that sometimes the [7] doctor cannot complete his planning of the [8] surgery. That's all.
 [9] Q. Had you also been aware of [10] situations where the surgery didn't come [11] out as planned?
 [12] A. I was not experienced with [13] that.
 [14] Q. I didn't ask you what you had [15] personally experienced.
 [16] I'm asking what you were aware [17] of.
 [18] A. As I said, I'm aware from the [19] environment I was living in.
 [20] And I think I told you very [21] clearly that the only thing I'm aware, [22] that usually patients do very well after [23] surgery.
 [24] Second, sometimes in tumor [25] situations, the doctor cannot remove all

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[2] of the tumor for the reason that the [3] doctors know.
 [4] That is the only things that I [5] knew.
 [6] Q. Had you ever known anyone who [7] underwent surgery?
 [8] A. I underwent surgery.
 [9] Q. Obviously you know yourself.
 [10] But other than yourself?
 [11] A. My father.
 [12] Q. What kind surgery did your [13] father have?
 [14] A. He had removal of a tumor from [15] the bladder.
 [16] Q. During any of your discussions [17] either with your father's doctors or with [18] your father, did you have any [19] understanding that there were risks [20] attached to that surgery?
 [21] A. My father's surgery was not [22] really opening everything, just removed [23] the tumor going through the penis.
 [24] So, it's not full surgery. It's [25] called surgery, but it's only removing a

Page 160

[2] tumor.
 [3] Q. Even for that procedure, either [4] from a discussion with your father's [5] doctors or with your father, were you [6] aware of the fact that that procedure had [7] any kind of risks attached to it?
 [8] A. No, the doctor said he might not [9] be

able to remove all of the tumor.

[10] Q. Anything other than that?
 [11] A. No.
 [12] Q. Had you known anyone else who [13] had surgery?
 [14] A. No. Except the people I was [15] videotaping.
 [16] Q. Did any of the procedures that [17] you videotaped, as far as you knew, not [18] come out as planned, other than tumor [19] surgery?
 [20] A. Most of the cases that I [21] videotaped, again this is hearsay because [22] the doctor told me after that, that [23] everything worked very well and the [24] patient is doing very well.
 [25] Q. Now you have said that most of

Page 161

[2] the cases -
 [3] A. As I said before, sometimes the [4] doctor said to me, I did everything and I [5] couldn't remove all of the tumor.
 [6] Q. But were there operations other [7] than tumor operations where the doctor [8] said to you it didn't come out as planned, [9] or I wasn't able to do what I thought I [10] was able to do?
 [11] A. No, all of the cases, the other [12] cases, the doctor was very happy from the [13] results.
 [14] Q. Every single one of the cases -
 [15] A. When the doctor spoke with me [16] after that, yes.
 [17] Q. The operation went completely as [18] planned?
 [19] A. That's correct.
 [20] Q. Now, before you had the surgery [21] done by Dr. Strauch, did you sign a [22] consent form?
 [23] A. Yes, I did.
 [24] Q. Where were you when the signed [25] the consent form?

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[2] A. I believe in his office.
 [3] Q. Now, did you sign the consent [4] form the last visit before the surgery, or [5] the second to the last visit before the [6] surgery, or some other time?
 [7] A. I really don't recall.
 [8] Q. Did you sign the consent form [9] about two months before surgery?
 [10] A. I said I do not recall.
 [11] Q. When you signed the consent [12] form, did you read the form?
 [13] A. No.
 [14] Q. Why not?
 [15] A. I trust him.
 [16] Q. Did anyone explain to you what's [17] in the form?
 [18] A. He told me - let me put it this [19] way: When I sign the form, he was in a [20] rush and I had to go back to my office.
 [21] And he told me, I asked him for [22] what is this consent, and he said you will [23] agree that I will do the surgery.
 [24] And I said okay.
 [25] And I said for what surgery, and

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[2] he said for your wrist and the release of [3] the ulnar nerve in the elbow.
 [4] And that's it.
 [5] So, I didn't have any problem [6] with that.
 [7] MR. BURFORD: Read back the [8] first part of that answer.
 [9] (Read back.)

BSA

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XMAX(18)

[10] Q. The first time you saw the [11] consent form, where were you?

[12] A. The first time I saw the consent [13] form?

[14] Q. Yes.

[15] A. I don't understand the question.

[16] Q. Okay, were you in Dr. Strauch's [17] office the first time you saw the consent [18] form?

[19] A. When I sign it?

[20] Q. No, the first time you saw it. [21] I didn't ask you when you signed it.

[22] A. A few minutes before I signed [23] it.

[24] Q. Did you tell Dr. Strauch you [25] wanted some time to read the form?

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[2] A. If I told him?

[3] Q. Yes.

[4] A. I asked - I told him what is [5] this consent, he told me it's standard [6] forms that everybody is signing before [7] surgery, and it's nothing special with [8] this form.

[9] Q. Did you ask him for time to read [10] the form?

[11] A. I do not recall if I asked him [12] for time to read the form or not.

[13] I asked him a question about it, [14] that's all.

[15] Q. You asked him what?

[16] A. A question. When I told him [17] what does the form mean, and he told me [18] it's a standard form that everybody signs [19] for surgery to permit him to do the [20] surgery, is the only thing he said.

[21] Q. Was anyone present during this [22] discussion?

[23] A. I do not recall.

[24] Q. Was anyone present during any of [25] the discussions that you had with

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[2] Dr. Strauch before the surgery was [3] performed, other than yourself and [4] Dr. Strauch?

[5] A. To the best of my recollection, [6] no.

[7] Q. As far as you are aware, did [8] anyone speak to Dr. Strauch on your behalf [9] at any time before the surgery was [10] performed?

[11] A. The insurance company.

[12] Q. That was 1199?

[13] A. Yes.

[14] Q. Other than 1199, anyone else?

[15] A. No.

[16] MR. BURFORD: Would you mark [17] this for identification.

[18] (Document headed Montefiore [19] Medical Center, dated 10/11/91, marked [20] Defendants' Exhibit 3 for identification, [21] this date.)

[22] (Short recess taken.)

[23] Q. Let me show you what has been [24] marked as Defendants' Exhibit 3 for [25] identification.

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[2] A. Yes.

[3] Q. Have you ever seen that form [4] before, or the original from which it's [5] copied?

[6] A. I signed it.

[7] Q. That's your signature?

[8] A. Yes.

[9] Q. Is there anything on that form [10] that you are not able to read?

[11] A. What do you mean?

[12] Q. Is there any part of that form [13] that for whatever reason, you are unable [14] to read?

[15] MR. DINHOFFER: Anything [16] illegible?

[17] A. Some of the handwriting is not [18] that clear.

[19] Q. Which handwriting were you [20] referring to?

[21] A. Somebody else.

[22] MR. DINHOFFER: He is indicating [23] the two lines in the middle of Paragraph 1 [24] where it says, Please Print or Type.

[25] Q. What parts of that are

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[2] illegible?

[3] MR. DINHOFFER: You want him to [4] read what he can't read?

[5] A. Some of the words are not clear [6] exactly what he is trying to say.

[7] Q. Which words are not clear, the [8] first word, the second word, the third [9] word, the fourth word; I don't care how [10] you describe it?

[11] MR. DINHOFFER: Fair enough.

[12] A. The third one on the first line.

[13] Q. Is that transposition?

[14] A. No, after that.

[15] Q. Ulnar?

[16] A. Yes, ulnar. After you told me [17] now I can read it.

[18] Q. What other words can't you make [19] out?

[20] A. The first one on the second [21] line.

[22] Q. Neurolysis?

[23] A. Yes, and now this looks the [24] same, the second one, ulnar nerve, yes, I [25] see now.

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[2] What is this?

[3] MR. DINHOFFER: The word on the [4] third line there that is squeezed in on [5] the left side margin there, it looks like [6] part of the word is missing from the copy.

[7] Q. Anything else on that page other [8] than what you just told me that you are [9] unable to make out?

[10] A. To read?

[11] Q. Yes.

[12] A. No.

[13] Q. Did you ask Dr. Strauch any [14] questions about the form when you signed [15] it, other than what you have told us so [16] far?

[17] A. I asked him what it is really [18] for, and he says I'm permitting him to do [19] the surgery.

[20] Q. Anything else?

[21] A. I asked him if he is going to do [22] it or somebody else.

[23] Q. And what did he say to you?

[24] A. "I will do this."

[25] Q. Was there any other discussion?

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[2] A. As I said before, anesthesia.

[3] Q. Anything other than what you [4] have told me so far?

[5] A. No.

[6] Q. Now, what date did you sign this [7] form, according to the form?

[8] A. From what I see here, the day [9] before the first scheduled surgery.

[10] Q. What day is written on the form [11] there?

[12] A. 10/11/91.

[13] Q. What was the date of the [14] surgery?

[15] A. My surgery was 12/12/91.

[16] Q. So you signed this form about [17] two months before the surgery?

[18] A. No, it was a month before [19] surgery.

[20] I'm sorry, 10/11, yes.

[21] Q. During the two months or so from [22]

the time you signed this form until the [23] surgery took place, did any questions come [24] to your mind about what you were [25] consenting to?

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[2] A. As I said before, I trusted [3] Dr. Strauch, and the only thing I did was [4] I tried to convince him not to do the [5] transposition.

[6] Q. You say you tried to convince [7] Dr. Strauch not to do the transposition?

[8] A. That's correct.

[9] Q. When did that take place?

[10] A. In November.

[11] Q. Was that during an office visit?

[12] A. No, I called to cancel the first [13] surgery.

[14] Q. When was the surgery scheduled [15] the first time?

[16] A. In November.

[17] Q. Do you remember what day in [18] November?

[19] A. No.

[20] Q. Why did you call to cancel it?

[21] A. Because I did not believe that I [22] have to have surgery in my elbow.

[23] Q. Why did you not believe that you [24] needed surgery on your elbow?

[25] A. I did not have pain or any

Page 171

[2] symptoms.

[3] The only reason I went to him [4] was only because of my wrist.

[5] And the fact that he found [6] something in the EMG showing that I have [7] entrapment, I did not believe that this is [8] enough to go for surgery.

[9] Second, I know that surgery is [10] the last resort before any treatment.

[11] So I believe that, I believe him [12] that my wrist is the one that I needed [13] from what he told me.

[14] But, I was trying to convince [15] him that I do not need the elbow surgery.

[16] Q. Had you spoken with someone [17] about the elbow surgery after you signed [18] the consent form and before the time you [19] cancelled the surgery?

[20] A. I was thinking by myself.

[21] Q. And other than what you just [22] told us, did anything else come to your [23] mind as to the elbow surgery?

[24] A. No; I know one thing, that if [25] something is not broke, don't fix it.

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[2] Q. Anything else?

[3] A. That's it.

[4] Q. Did the conversation you just [5] talked about take place over the [6] telephone?

[7] A. I do not recall. Maybe on the [8] phone, maybe in his office.

[9] I really don't recall.

[10] Q. What did Dr. Strauch say?

[11] A. He convinced me that - first he [12] told me, you are already going for surgery [13] and it will be easier for you to do the [14] two surgeries at one time, than to do the [15] surgery of the wrist now and come back in [16] a few years and do the elbow.

[17] So he already - you are already [18] under anesthesia, do the both of them and [19] you will be free from the problem.

[20] Q. During that discussion, was [21] there any mention made of the risks of [22] coming back for a second operation?

[23] A. No, he just said to me it's for [24] my convenience, I should do it in the same [25] setting.

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[2] Q. In other words, there was no [3] discussion that a second operation might [4] have risk attached to it?

[5] A. Just as I said, he told me for [6] my convenience I should go and do the [7] surgery in one setting.

[8] Q. Did he say anything else in [9] response to your questions about the elbow [10] surgery?

[11] A. No, he just said to me that I [12] should do it now because I would have the [13] problem in the future. That is what he [14] said.

[15] Q. Is that the last discussion that [16] you had with him before the surgery was [17] done?

[18] A. I believe so.

[19] Q. From the time of that [20] discussion - go ahead?

[21] A. I believe so, but I may have [22] spoken with the anesthesiologist.

[23] Q. From the time of that discussion [24] with Dr. Strauch, I think you said it was [25] in November, up until the time the surgery

Page 174

[2] was performed, did you continue to think [3] about the operation?

[4] A. After he convinced me that this [5] is what I have to do, I believed him, and [6] that's why I went for the surgery.

[7] Q. But did you continue to think [8] about the surgery from time to time?

[9] A. No, I have to trust him after [10] this conversation.

[11] Q. After that conversation, the [12] surgery was completely out of your mind?

[13] A. I was preparing my work load, [14] that I would not have any work after the [15] surgery because I want to have an easy [16] time after the surgery.

[17] Q. In terms of whether or not you [18] should do the surgery or not -

[19] A. No, when I made the decision, I [20] made the decision after my conversation [21] with him.

[22] Q. How long before the surgery were [23] you admitted to the hospital?

[24] A. The same day.

[25] Q. Up until the time you were

Page 175

[2] admitted to the hospital for the surgery, [3] had you been seen by any other doctors [4] other than the people you told me about?

[5] A. I was doing pre-surgery [6] evaluation that I was being sent by [7] Dr. Strauch to do.

[8] Q. Blood tests and chest x-ray?

[9] A. Yes, and consulting with the [10] anesthesiologist.

[11] Q. What did the anesthesiologist [12] tell you?

[13] A. He asked me about my past [14] experience.

[15] He told me about, the [16] anesthesiologist told me about - he asked [17] me if I have any medical problems, allergy [18] and all of that stuff.

[19] He asked me about family [20] background.

[21] I asked the anesthesiologist [22] about the medication that they are going [23] to use.

[24] And I asked specifically could I [25] have some medication that I would not have

Page 176

[2] side effects after it.

[3] And through the conversation, I [4] think, I am not sure that we spoke about [5] it, but I asked, I asked the [6] anesthesiologist about anesthesia, and she [7] said to me that I should not be worried, [8] the doctor who was doing the anesthesia [9] was a very good doctor, and he is very [10] experienced.

[11] Q. Did the anesthesiologist [12] describe any risks to you of anesthesia?

[13] A. Specifically for anesthesia, you [14] are talking about.

[15] Q. Yes.

[16] A. The only thing she told me [17] about, I asked her - the only thing about [18] anesthesia that I'm aware of, that the [19] anesthesia can cause some problem.

[20] Q. Is this something that the [21] doctor mentioned to you?

[22] A. I do not recall.

[23] When I asked about the [24] medication, she said, "It's safe, and you [25] don't need to be worried about having a

Page 177

[2] problem from that." [3] And I said, "How safe is it?" [4] She said, "It's very safe." [5] I said if this can cause - I [6] said as a joke, "Will I wake up from [7] surgery?" [8] And she said, "Yes, you will."

[9] Q. Had you heard of examples of [10] people who didn't wake up from surgery?

[11] A. Just for the joke. The surgery [12] went fine in the patient.

[13] Q. But in general, prior to this [14] operation, had you heard of people who [15] didn't wake up from surgery?

[16] A. No, I didn't know any case like [17] that.

[18] Q. Any other discussions with the [19] anesthesiologist before the surgery?

[20] A. Not really.

[21] Q. Did you speak to Dr. Strauch [22] again before the operation?

[23] A. I did not see him before the [24] operation.

[25] Q. Did you speak to any other

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[2] doctors before the surgery?

[3] A. Just the anesthesiologist.

[4] Q. Other than the anesthesiologist?

[5] Nobody; nobody that I recall [6] anyway.

[7] I don't recall anybody else.

[8] Q. What kind of anesthesia did you [9] have for the operation?

[10] A. General.

[11] Q. When you woke up from the [12] anesthesia, how did you feel?

[13] A. Horrible.

[14] Q. In what way?

[15] A. I had sharp pain in my elbow, [16] shooting pain to fingers 4 and 5, [17] tingling, numbness from my elbow to [18] fingers 4 and 5, and I felt overall worse [19] than before the surgery.

[20] Q. Which side of the body, is this [21] on the left?

[22] A. I'm talking about -

[23] MR. DINHOFER: He's indicating [24] the left side.

[25] A. The left side, behind.

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[2] MR. DINHOFER: Epicondyle?

[3] A. Epicondyle area.

[4] When I say before surgery, [5] before surgery I did not have any pain, [6] and I woke up with a very, very severe [7] pain.

[8] Q. The first thing you mentioned [9] was sharp pain in the elbow.

[10] A. Yes.

[11] Q. Is that pain you mentioned right [12] by the epicondyle?

[13] A. Correct.

[14] Q. Putting the term aside, how [15] would you describe where the pain was?

[16] A. In the back of my elbow. When I [17] walk, it's behind me.

[18] Q. The shooting pain you had to [19] 4 and 5, where did that pain come from and [20] go to?

[21] A. From, again I said it comes from [22] my back area here.

[23] Q. From the back of your elbow?

[24] A. Yes, the elbow goes to the [25] outside area here, to the fingers 4

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[2] and 5.

[3] So, all the way down.

[4] Q. Now, when you say it goes to the [5] outside area -

[6] MR. DINHOFER: Pinky side of the [7] forearm.

[8] Q. The pinky side of the forearm?

[9] A. Yes, the pinky is number 5, and [10] the one before that is number 4.

[11] MR. DINHOFER: For the reporter, [12] he was tracing from the elbow on the pinky [13] side of the forearm, all the way up [14] through to the fingers, which were the [15] number 4 and 5 fingers.

[16] Q. You also mentioned that you had [17] tingling and numbness from the elbow to [18] 4 and 5?

[19] A. Yes.

[20] Q. Where was that running?

[21] A. From the end of fingers 4 and 5.

[22] Q. From where to where?

[23] A. From my elbow.

[24] Q. Along what path?

[25] A. The same path I had the

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[2] numbness.

[3] Q. That is what I'm talking about, [4] the tingling and numbness.

[5] A. From here all the way to the [6] outside, inner and outside here, all the [7] way up to the fingers.

[8] Q. That's the same path that the [9] pain was following?

[10] A. Yes, everything was in the same [11] path.

[12] Q. So, along the same path, it was [13] both numb and painful?

[14] A. That's correct. But the sharp [15] pain, the higher level of pain, was in the [16] elbow.

[17] Q. The pain was sharpest, most [18] intense in the elbow?

[19] A. Yes.

[20] Q. Who is the first doctor you [21] spoke to after the operation?

[22] A. I believe the anesthesiologist.

[23] Q. And what did you say to that [24] doctor, and what did he say to you or she [25] say to you?

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[2] A. I was - the thing that I [3] remember, why I have pain in my elbow.

[4] Q. What did the anesthesiologist [5] say?

[6] A. Talk with the doctor later.

[7] Q. Talk to which doctor, [8] Dr. Strauch?

[9] A. Yes.

[10] Q. Was there any other discussion [11] between you and the anesthesiologist?

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[12] A. To my best recollection, I think [13] I fell asleep again.

[14] Q. Who was the next doctor you [15] spoke to?

[16] A. I spoke to the nurse, I [17] believe.

[18] Q. What did you say to the nurse?

[19] A. "I need something for pain."

[20] Q. And what did he or she say?

[21] A. I do not remember what she said, [22] but I know I got some medication for the [23] pain.

[24] Q. Who is the next person you spoke [25] to?

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[2] A. Put it this way, after I moved [3] from the Intensive Care Unit to my room, [4] too many residents came, residents or [5] doctors came to the room, and I cannot [6] keep track of all of them.

[7] Q. Do you remember discussions with [8] any of them?

[9] A. I was complaining about my elbow [10] pain.

[11] Q. And what did they say to you?

[12] A. That I tolerated it very nicely.

[13] Q. That what?

[14] A. That I'm tolerating this very [15] nicely.

[16] Q. Did they say anything else?

[17] A. They told me that they have to [18] discuss everything with Dr. Strauch.

[19] Q. Did you have any other [20] discussions with any of the residents or [21] fellows, or anybody else who came to see [22] you other than Dr. Strauch?

[23] A. I believe that I was talking [24] with one of the residents, I believe, and [25] I told him about the pain, and he said to

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[2] me - I'm trying to remember the [3] conversation - I don't recall.

[4] I had so much pain, and I was [5] already at this time very, very off with [6] medication.

[7] I do not recall everything.

[8] Q. Other than Dr. Strauch, have you [9] told me about all of the discussions that [10] you do remember during the time you were [11] in the hospital?

[12] A. From what period to what?

[13] Q. How long were you in the [14] hospital?

[15] A. Two days.

[16] Q. During the entire two days, [17] other than Dr. Strauch, have you told me [18] about all of the discussions with any of [19] the hospital -

[20] A. I was complaining constantly [21] about pain from the minute I left - from [22] the minute I woke up from my surgery, [23] until the minute I left the hospital.

[24] I was complaining about pain all [25] of that time.

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[2] I was complaining about swelling [3] of my hand.

[4] I was complaining about a [5] burning feeling in my elbow.

[6] I was complaining about [7] difficulty moving my fingers.

[8] Like I was saying that I'm [9] trying to figure out what is going on.

[10] I got no answer except I got [11] medication for the pain, which didn't help [12] either.

[13] Q. Other than what you have already [14] told me, have you described every [15] discussion that you had with any member of [16] the hospital staff besides Dr. Strauch?

[17] A. I did not discuss with [18] Dr. Strauch through all of the time I was [19] in the hospital through the surgery.

[20] I did not see him before surgery [21] or after surgery.

[22] I believe the first time I saw [23] Dr. Strauch was Friday morning, the 13th [24] of December.

[25] Q. So you didn't see Dr. Strauch at

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[2] all while you were in the hospital?

[3] A. I said I saw him on the 13th [4] before I was discharged.

[5] Q. On the 13th, before your [6] discharge?

[7] A. Yes, this is to my best [8] recollection again.

[9] Q. What did you say to Dr. Strauch [10] and what did he say to you?

[11] A. I asked him about the pain in my [12] elbow.

[13] Q. What did he say?

[14] A. He told me it's normal.

[15] I said, "You told me it's [16] pain-free." [17] So he looked at me and he said, [18] "So how is your wrist doing?" [19] He changed the subject.

[20] He went to my wrist and looked [21] at my wrist and said, "Okay, you are going [22] home." [23] That was the end of it.

[24] Q. And what -

[25] A. And this is the end of it.

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[2] He was there maybe a very short [3] period of time. It was very brief.

[4] Q. Was there any other discussion [5] with Dr. Strauch on the 13th, other than [6] what you just said?

[7] A. To my best recollection, I asked [8] him about my problem, and this is what he [9] responded, and I was discharged from the [10] hospital.

[11] Q. When you were discharged, were [12] you given any discharge instructions on [13] how to care for yourself?

[14] A. He told me to raise my hand for [15] the next few days.

[16] Q. Raise your hand?

[17] A. Yes, raise it.

[18] Q. Keep your hand elevated?

[19] A. Yes, keep my hand elevated.

[20] Q. Did he tell you why you should [21] keep your hand elevated?

[22] A. No.

[23] Q. For how long to keep your hand [24] elevated?

[25] A. He did not say.

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[2] Q. Were you told to see him in the [3] office or some other place?

[4] A. He told me to come back the next [5] week.

[6] Q. To his office?

[7] A. Yes.

[8] Q. Were you given any medication on [9] discharge?

[10] A. No.

[11] Q. Were you given any instruction [12] on changing bandages or anything like [13] that?

[14] A. I was in a cast. I couldn't [15] change anything.

[16] Q. You went home after discharge?

[17] A. Yes.

[18] Q. What sort of activity did you do [19] for the next week?

[20] A. For the next -

[21] Q. You know, you were told to see [22] Dr. Strauch the following week?

[23] A. Yes.

[24] Q. Between the time of your [25] discharge and the time you saw

Page 189

[2] Dr. Strauch, what sort of things did you [3] do at home?

[4] A. I was laying in bed.

[5] Q. Anything else?

[6] A. I was laying in bed and raising [7] my hand.

[8] Q. Anything else?

[9] A. No. Taking a lot of pills for [10] pain.

[11] Q. What sort of pills were you [12] taking?

[13] A. What I could get from [14] over-the-counter.

[15] Q. That would be Tylenol or [16] something like that?

[17] A. Whatever people could get me. I [18] was in bed. I was not movable.

[19] Q. Who was getting you the [20] medication?

[21] A. My friend.

[22] Q. And who is that?

[23] A. Jacob.

[24] Q. Were you taking anything that [25] was not over-the-counter?

Page 190

[2] A. No, I did not have [3] prescriptions.

[4] Q. How was your hand doing for that [5] period of time, between discharge and your [6] first visit with Dr. Strauch?

[7] MR. DINHOFFER: Which hand?

[8] Q. Actually your left arm and hand?

[9] A. I was doing very badly.

[10] Q. In what way?

[11] A. Constant pain, burning feeling, [12] shooting pains to fingers 4 and 5, [13] swelling, and I felt pressure inside of [14] the cast.

[15] Q. Pressure where?

[16] A. Inside the cast.

[17] Q. Inside the cast?

[18] A. Yes.

[19] Q. Did any of these symptoms change [20] at all over the week?

[21] A. No.

[22] Q. Where was the burning feeling?

[23] A. In my elbow.

[24] Q. What about the swelling?

[25] A. All over my hand. From the

Page 191

[2] wrist up to the fingers.

[3] Q. And the shooting pain, where did [4] that go from?

[5] A. From elbow to fingers 4 and 5.

[6] Q. And you mentioned pain.

[7] Did you have any other kind of [8] pain?

[9] A. Just the pain I had was enough.

[10] Q. The burning feeling, the [11] shooting pain?

[12] A. Yes, and numbness and everything [13] that I said.

[14] Q. Was there numbness?

[15] A. I said numbness, but I felt like [16] tingling, and I don't know how you call [17] it.

[18] Q. Where was the tingling feeling?

[19] A. Going from my elbow to the [20] fingers.

[21] MR. DINHOFFER: Which fingers?

[22] THE WITNESS: 4 and 5.

[23] Q. And that is along the pinky side [24] of your forearm?

[25] A. Yes.

charged following the surgery, until [12] the time of the emergency visit, had the [13] symptoms changed at all?

[14] A. No, it was the same thing, but [15] it just got to the point where the [16] medication did not help, and that is why I [17] called him.

[18] I cannot sleep any more, I don't [19] know what's going on, what to do.

[20] Q. Did the symptoms get worse, [21] better, stay the same?

[22] A. It was the same. To my [23] recollection, it was the same.

[24] Q. Was there any other discussion [25] with Dr. Strauch during this visit?

Page 202

[2] A. No, he was in a rush.

[3] Q. No?

[4] A. He was in a rush, he just saw it [5] and closed it and left.

[6] Q. So there was no other [7] discussion?

[8] A. No.

[9] Q. Did you talk to anyone else in [10] his office?

[11] A. No.

[12] Q. Was anyone present with you [13] during this visit?

[14] A. No.

[15] Q. During any of the visits that [16] you had with Dr. Strauch up until this [17] emergency visit, was anyone else present [18] during any of the visits with you?

[19] A. No.

[20] Q. What's the next doctor you saw?

[21] A. I still saw Dr. Strauch.

[22] Q. Do you know when you saw him [23] next?

[24] A. I do not recall the dates.

[25] But the way I describe it, he

Page 203

[2] told me to come, and I came exactly when [3] he told me to come.

[4] Q. How many times did you see [5] Dr. Strauch after this emergency visit?

[6] A. I saw him a lot. I saw him [7] until October of 1993.

[8] Q. Do you have a distinct [9] recollection of separate visits during [10] that period of time?

[11] A. I do not understand the [12] question.

[13] MR. DINHOFFER: How many [14] individual visits did you make to [15] Dr. Strauch from the time of the emergency [16] visit until October of '93?

[17] Do you have any idea how many [18] times you saw him?

[19] THE WITNESS: Maybe - no, I do [20] not know.

[21] MR. DINHOFFER: More than one?

[22] THE WITNESS: More than five.

[23] MR. DINHOFFER: More than five, [24] okay.

[25] Q. What happened during your next

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[2] visit with Dr. Strauch?

[3] A. I start to complain, and he [4] start to tell me that things will be [5] okay.

[6] Q. How far apart were these visits [7] spaced?

[8] A. I don't know.

[9] Sometimes it was two weeks and [10] sometimes it was a week.

[11] I don't recall all of them.

[12] Q. During your next visit after the [13] emergency visit, what complaints did you [14] have?

[15] A. The same complaints that I had [16]

through all of the time.

[17] Q. Had the symptoms in your arm [18] changed at all?

[19] A. No.

[20] Q. There was no change in the [21] burning?

[22] A. No.

[23] Q. No change in the tingling?

[24] A. No.

[25] Q. Any change in the swelling?

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[2] A. No. Put it this way, maybe the [3] swelling reduced a little bit, but not [4] obvious enough to notice.

[5] Q. Which may have been reduced a [6] little, all of them or -

[7] A. I cannot specifically say [8] exactly where.

[9] Q. Did you have any discussions [10] with Dr. Strauch during your first visit [11] after the emergency visit?

[12] A. I constantly complained about [13] the pain.

[14] I constantly asked him what is [15] happening.

[16] I constantly asked him why is [17] this happening.

[18] He did not respond.

[19] He told me things will be okay. [20] "You have to be patient."

[21] Q. Other than telling you that [22] things would be okay and you have to be [23] patient, did he say anything else?

[24] A. No.

[25] Q. During each of the visits that

Page 206

[2] you had with Dr. Strauch, did he do an [3] examination?

[4] A. He did not - until he took the [5] cast off, he just looked at the top of the [6] fingers.

[7] That's the only thing that he [8] did.

[9] Q. After the first time he took off [10] the cast, did he take it off again for the [11] office visit?

[12] A. He took it off after three or [13] four weeks.

[14] Q. Took it off completely?

[15] A. Yes. I do not recall exactly, [16] but he took it off after a while.

[17] Q. When the cast came off, what did [18] your arm look like?

[19] A. Swollen.

[20] Q. Where was it swollen?

[21] A. From my wrist was swollen, and [22] my fingers were swollen, and a little bit [23] above the wrist.

[24] Q. When you say your fingers were [25] swollen, which fingers?

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[2] A. Five fingers, all of the [3] fingers.

[4] Q. All five fingers?

[5] A. Yes.

[6] Q. Anything else that you noticed [7] other than that swelling after the cast [8] came off?

[9] A. Pain in my elbow, burning [10] feeling, numbness and loss of sensation, [11] tingling.

[12] Q. Anything else?

[13] A. What else? I do not recall.

[14] I'm giving you the major things [15] that I can recall.

[16] Q. Okay, that's all I'm asking for [17] is what you can recall.

[18] Had these symptoms changed at [19] all over time?

[20] A. The tingling decreased with [21] time.

[22] Q. Over how much time?

[23] A. A long period of time.

[24] Q. What do you mean by a long [25] period of time?

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[2] A. More than two months. More than [3] two or three months.

[4] I cannot recall exactly.

[5] Q. And then the tingling went away?

[6] A. Faded.

[7] Q. What about the numbness?

[8] A. Numbness I had longer than the [9] tingling.

[10] Q. How long did you have the [11] numbness?

[12] A. I do not recall, but the pain [13] and the loss of sensation stayed for a [14] long period of time.

[15] Q. Now, which pain are you talking [16] about?

[17] A. Elbow pain.

[18] Q. How long did that stay?

[19] A. I have it at the present time.

[20] Q. Has it changed at all over the [21] time since the operation?

[22] A. No, except after I went to the [23] second surgery, the pain relieved minorly, [24] but still I have the pain.

[25] Q. From the time of Dr. Strauch's

Page 209

[2] surgery, up until the second surgery, had [3] the pain in your elbow changed at all?

[4] A. No.

[5] Q. What about the burning [6] sensation, had that changed at all in that [7] period of time?

[8] A. This got reduced a little bit, [9] yes.

[10] Q. Over what period of time did it [11] reduce?

[12] A. I do not recall the timing.

[13] Q. Did it fade away?

[14] A. I used to get it from time to [15] time back, but I did not have it [16] constantly the way I had it in the [17] beginning.

[18] Q. Did it pretty much fade away [19] before the second surgery?

[20] A. No.

[21] Q. After the second surgery -

[22] A. After the second surgery, I did [23] not have it.

[24] Q. Did the pain in your elbow [25] change at all before the second surgery?

Page 210

[2] A. No.

[3] Q. Any other conversations with [4] Dr. Strauch up through the last visit we [5] talked about, that you haven't mentioned [6] so far?

[7] A. I don't understand the question.

[8] MR. BURFORD: I will withdraw [9] it.

[10] Q. When did you see Dr. Strauch [11] next?

[12] A. When he told me to come, I would [13] go.

[14] Q. What happened during your next [15] visit?

[16] A. I will say the same thing I said [17] earlier.

[18] I cannot tell exactly what [19] happened each visit.

[20] Q. Why don't you tell me what [21] happened then over the balance of the [22] visits with Dr. Strauch, as best you can [23] in chronological order?

[24] A. Okay, on one of the visits I [25] asked Dr. Strauch why I have the pain in